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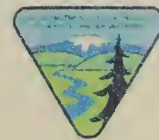


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# Bureau of Land Management

## California Desert District

Northern and Eastern Mojave &  
Northern and Eastern Colorado Planning Areas



**CAT**  
Content  
Analysis  
Team

California Desert Conservation Area Plan Amendments  
Draft Environmental Impact Statements

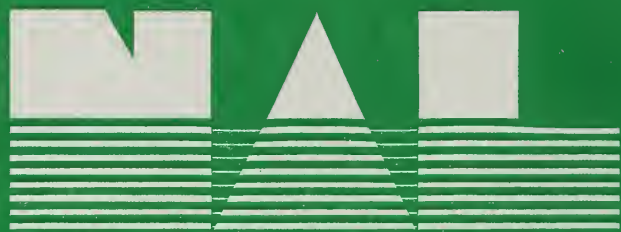
## Content Analysis Report

200 E. Broadway  
Room 301  
P.O. Box 7669  
Missoula, MT 59807  
406-329-3387



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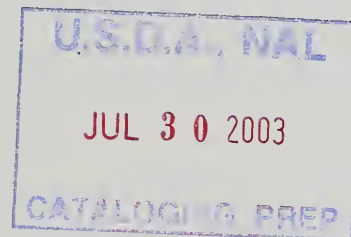
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**California Desert District**  
Northern and Eastern Mojave &  
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**March 15, 2002**



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# List of Public Concerns

## Introduction

The Content Analysis Team (CAT) developed this public concern list to help the California Desert District of the BLM integrate public comment into the process of proposing amendments to the California Desert Conservation Plan. The public concern list identifies specific requests and common themes expressed by individuals and groups who responded to the Draft EISs for the Northern and Eastern Mojave Planning Area (NEMO) and the Northern and Eastern Colorado Desert Planning Area (NECO). These requests and themes are organized into a condensed format to facilitate the BLM's review of public sentiments and identify possible actions. CAT followed a standardized process to develop this public concern list: each submission was read; comments were separated according to subjects; representative quotations were selected; and key ideas were distilled into statements that capture the respondents' sentiments in the form of an action the BLM should consider pursuing. All statements were considered within this analysis, even those that were not confined to the scope of the proposed amendments in NEMO and NECO. The goal of CAT's analysis is to facilitate a systematic, accurate, and comprehensive review of public comment. In addition to highlighting specific requests, questions, and suggestions, this analysis attempts to present respondent's explanations of why an action should or should not be taken.

## Sample Statements and Public Concerns

CAT analysts isolate quotations within public comment that express a distinct concept and represent an identifiable concern. These statements are called sample statements. Analysts identify related sample statements and select those that best represent each distinct concept. Working from these distinct concepts, each analyst drafts a sentence that captures the concern as an action or decision to be made by the BLM, or a topic to be addressed in subsequent planning. This sentence capturing the action, decision, or topic for agency review is known as a public concern.

Public concerns are not "issues" as defined in the National Environmental Policy Act. BLM decision-makers will identify formal issues during a later phase of the planning process. Whether or not a comment is within the scope of the BLM's current considerations and whether or not it presents a reasonable request is of minimal concern during the content analysis process. All relevant and coherent topics are presented to the BLM for consideration.

Conceptually, a sample statement presents the subject of a respondent's concern and why the individual or group believes it is of importance. Sample statements may also impart the author's suggestion(s) on how, when, or where the concern should be addressed. Public concerns summarize the content and context of sample statements using a **standard format** to facilitate the BLM's review of public comment. A public concern identifies who should respond (which may actually be a subsequent document); and what is the question, problem, suggestion, or interest expressed by respondents. Whenever clearly stated by respondents, public concerns also identify the environment or resource affected by an action, the hierarchical or geographical location for decision-making, and the stage of planning or implementation at which the question, problem, suggestion, or interest should be addressed.



# Northern and Eastern Mojave Desert Concerns

## Planning Process/Purpose and Need

### Public Involvement/Collaboration

#### PC #: 1

##### **Public Concern: The BLM should extend the comment period to allow for adequate review of proposed plans.**

I also request that the public comment period be extended for a reasonable period beyond such time as these road closure maps do become publicly available. (Individual, Las Vegas, NV – #M1)

Finally, because of the poor availability, other plans ongoing right now, the lawsuit and the associated NEPA process, the Fort Irwin expansion, and the 25 WEMO polygons, I think that this should at least be extracted another 90 days and probably more for the comment period. This plan was started in 1992, as was pointed out earlier in this meeting. If the BLM took nine years to develop just the graph, it's only fair for the public to have at least an additional 90 days. (Individual, No Address – #M327)

#### PC #: 2

##### **Public Concern: The BLM should adequately notify the public regarding opportunities for participating in the planning process.**

We believe the document should include a statement of process with respect to public participation so that there can be no doubt about the available forums for public input and the timing thereof. We believe that in the informal fact gathering stage that always proceeds formal planning a broad cross-section of affected communities should be consulted. For example what input has the community had on the Armagosa River Trail System? It is said that the project is not far enough along for "scoping" meetings . . . but the trail has appeared on maps posted in public places. For shame! The back room project discussions of BLM should be opened up for public participation. Next, as the planning of a project matures we believe it must be mandatory that all projects, however small they may seem, be exposed to the public in "scoping" meetings. These meetings need wide spread publicity so as to make the public aware. (Individual, Tecopa, CA – #M9)

This plan is flawed. Whether intentionally or through complete incompetence, the BLM staff has totally neglected the competitive off-road community during its scoping, consultation, and coordination efforts. When scoping to initiate this plan, the BLM neglected to include anyone from the motorcycle racing community in it's initial scoping. By the time of these scoping meetings, September of 1995, the Desert Vipers Motorcycle Club Members had attended numerous workshops and seminars put on by the BLM regarding land use, including a U.S. Senate Subcommittee Field Hearing in Palm Desert California where I had personally addressed the Hearing. In the Section of the Plan, 5.0 Consultation and Coordination, 5.1, Public Involvement, it alludes to a "BLM California Desert District mailing list (about 6000 names)," and yet despite my personal, public display of interest, in front of BLM representatives, I was not notified. In approximately March of 1996, I contacted, personally, members of the BLM and told them that the Desert Vipers Motorcycle Club was going to apply for the Barstow to Vegas Hare and Hound Motorcycle Race. . . . And yet, despite the participation of many of these same BLM Staff members in the scoping and planning process, we have not been included in this planning process (as we have been in the West Mojave Planning process). The Desert Vipers Motorcycle Club did apply for the Barstow to Vegas race in 1996 and every year thereafter, and yet we were never included in the scoping meetings mentioned in this proposal as being held in 1997 or 1998. (Recreational Organization, Westminster, CA – #M60)

#### PC #: 3

##### **Public Concern: The BLM should advertise and schedule public meetings to enhance attendance.**

I have asked if there had been any gathering of information from the Americans with Disabilities or the Native Americans and I was told that there was a public process of meeting and comments. These meetings are held in the



working hours so people are expected to be absent from their work places and go without pay so that the BLM may close their public lands down. That is unacceptable to me. The BLM needs to show adequate Public Notification on all areas within the NEMO Planning development. (Individual, Big Bear Lake, CA – #M70)

I recently became aware of the BLM Mojave Management Plan and the Draft Northern and Eastern Colorado Desert Plan. I am most disturbed by the way the review processes for these plans are proceeding. The lack of effective noticing of public meetings regarding these plans combined with the fact that these meetings are scheduled for mid-week and mid-day make it impossible for public land users like myself to attend. I urge you to proceed very carefully and pay careful attention to the interests and requests of all public land users wishing to provide review and comment on these plans. (Recreational Organization, Minneapolis, MN – #C131)

**PC #: 4****Public Concern: The Final EIS should be clearly structured and designed to inform the general public.**

You are not following the scoping process—that is, your guidelines under the NEPA process. I still have a problem with that. I still find this book hard to read. Because all interspersed into this book are little jewels—just little jewels, you know, like private land acquisition and little things, water rights, and so on and so forth. I find it not . . . easy for me to go through it. (Individual, No Address – #M323)

After spending many hours and months trying to understand the NEMO Plan I have finally reached the point of total frustration. No where in this plan is there a supply of information that would allow the general public to make an informed comment to it. (Individual, Big Bear Lake, CA – #M70)

**PC #: 5****Public Concern: The BLM should respond to requests for information.**

Since December, I have repeatedly requested, both in writing and verbally, to the BLM staff to be notified of all meetings relevant to our First District. I think I've gotten two notices. I didn't even get a notice on this [meeting] today. I cannot understand how the BLM can blatantly say that they're publicizing these meetings and publicizing to the public that are signing up and requesting information, because I'm talking to people all the time that are telling us that they're not getting the information after they're requesting it. I think that there needs to be better lines of communication set forth. And I believe that the BLM staff needs to take a good look at that because, ultimately, it will bite you if you're saying that you're publicizing these meetings and it's not getting out to the public. (Representative for County Commissioners, No Address – #M303)

**PC #: 6****Public Concern: The BLM should simultaneously provide all relevant planning information to facilitate meaningful public comment.**

Environmental Impact Statements should accompany draft project reports. Then the public can consider projects within a complete picture rather than in pieces. Obviously the drafts must be discussed in public forums as well. (Individual, Tecopa, CA – #M9)

Neither the NECO of the NEMO documents contain information as to which appendices to the California Desert Plan are being amended. While both documents contain references to various Congressionally passed legislation (Acts), policies, regulations and other source documents; and while referenced, none are provided. Thus the public did not have all of the information needed to provide informed input on these plans. With respect to route designation, multiple versions of the maps have been provided and it is not clear whether all persons received all versions. If not, the public receiving the first map may believe that all is well, when the last map proposes significant changes. Again the public is denied. No where are the standards and criteria utilized in the decision making process, for any decision and in particular route designation criteria, identified as to how they were developed and who participated in the development. For this reason the public is left with no choice but to decry all decisions as arbitrary and capricious. (Recreational Organization, Modesto, CA – #M90)

**PC #: 7**

**Public Concern: The BLM should provide accurate maps and route closure information to encourage public participation.**

Many visitors who traditionally use the roads and trails in the area may not participate in the formal NEPA process, which is time consuming and confusing. We have also observed from past NEPA travel plan processes that this lack of participation has been due to the cumulative effect of confusing and poor documentation of the proposals, which included maps that did not have clearly defined characteristics, landmarks, trails, roads, routes and historical sites that would be removed from public use by the proposed plan. We are concerned that this lack of understanding will lead to resentment and poor support of the motorized closures by the public. . . . The maps used in the environmental document must be familiar and easily interpreted by the public. The public is most familiar with the Forest Visitors Map. The environmental document mapping must follow the guidelines required by 40 CFR 1502.8 which states that "Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision-makers and the public can readily understand them." (Recreational Organization, Helena, MT – #M73)

As best I can determine from the NEMO DEIS, the plan proposes to limit or close 1070 miles of roads (p. 4-91). How can the public comment on these road closures if we don't know exactly what they are? We need the maps. I would like to get the topo maps which show these proposed closures. If they are available on a CD compatible with the TOPOSCOUT digital map program that would be cheaper and better, otherwise on paper. It would also be useful to know the reason for each limitation or closure. I am willing if necessary to pay for this information. (Individual, Las Vegas, NV – #M1)

Maps that are being used are full of inaccuracies and nowhere have I seen GPS coordinates used for registering the proper location of routes. . . . New methods of identifying routes should be used and the maps that BLM has issued all the closures within the NEMO area should be revised with the new GPS information and ground identification should appear on those maps. (Individual, Big Bear Lake, CA – #M70)

**PC #: 8**

**Public Concern: The BLM should provide maps that are sufficient to allow site-specific analysis of every motorized route.**

The environmental document base maps must allow site-specific analysis. Site-specific questions will need to be discussed during the process. Site-specific analysis must be provided for every road and trail so that the benefits of keeping each motorized travel way is adequately addressed and accounted for in the decision. (Recreational Organization, Helena, MT – #M73)

The California Association of Four Wheel Drive Clubs would like to request a 90 day extension on the NEMO plan. I would also at this time like to request 7 1/2 minute topo's of the proposed route closures. The clubs and individuals would like the time to go out and look at some of the proposed closures. (Recreational Organization, Victorville, CA – #M40)

**PC #: 9**

**Public Concern: The BLM should conduct Section 7 consultation with the U.S. Fish and Wildlife Service prior to the close of the public comment period to ensure adequate opportunity for public review.**

The NEMO DEIS presents a proposed action absent meaningful public review and comment over listed, threatened, and endangered species by deferring the required Federal Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service on the action and biological assessment (50 CFR 17) until *after* the deadline for receipt of comments. The failure to include the required Section 7 review in the Draft EIS, including measures to ensure the proposed action would not jeopardize listed species or result in adverse modification of critical habitat, effectively precludes meaningful analysis by the public of alternatives presented in the DEIS. (Inyo County Board of Supervisors, Independence, CA – #M37)



**PC #: 10****Public Concern: The BLM should eliminate bias against motorized recreationists in the planning process.**

The travel plan alternative selected by the Bureau of Land Management and Forest Service indicates that the majority of existing roads and trails would be closed to motorized recreation and access with the exception of a few major public recreational roads. This preferred alternative forces motorized visitors and recreationists to start with the worst-case scenario and then struggle to add routes currently in use back into the process at a late stage using the public comment period. This course of action places an enormous burden on motorized visitors just to maintain the status quo. This process is providing preferential treatment for non-motorized visitors who do not have to identify routes and challenge the process to protect their recreation opportunities. We do not understand why the travel plan process is operated to put motorized visitors at a disadvantage. We request that this procedure be evaluated and corrected. (Recreational Organization, Helena, MT – #M73)

Further, the EIS reflects a strong institutional bias against off-highway vehicle (“OHV”) recreation; and this bias taints nearly every aspect of the environmental analysis. (Recreational Organization, San Diego, CA – #M67)

**PC #: 11****Public Concern: The BLM should ensure that affected parties are consulted during the planning process.**

A few principal comments on the above referenced Draft EIS are follows: Inside Cover, BLM Mission Statement – That presented is a very biased view; there are no references in mission statement such as are presented in the Mining and Minerals Policy of 1970 (84 Stat. 1876) and the National Materials and Mineral Act Policy, Research and Development Act of 1980 (94 Stat. 2371-2551). The Mission Statement should present a broader view of the BLM mission. Page II – states, “The preparation of this document was coordinated with numerous individuals Federal and State agencies, special interest groups and County Government.” In regard to Figure 3.a., NEMO Active Mines & Mineral Potential, it is clear that the BLM did not coordinate its preparation with the affected mining companies, mining claim holders, and private industry mineral professionals. The United States Department of Interior, Secretary Gale Norton, has stated the department’s policy in such as this Draft EIS be coordinated with the local affected parties; this has not been done, particularly in regard to minerals, and must be incorporated in the Final EIS. (Individual, Las Vegas, NV – #M13)

**PC #: 12****Public Concern: The BLM should address the perception that local concerns have been ignored in the planning process.**

Regarding the public process, a general consensus exists amongst many Inyo County residents that the CDPA ignored their input during the lengthy CDPA public participatory process. It’s generally understood certain organizations created the legislation and pushed it through Congress in spite of valid contrary concerns. Many people sense a lack of empowerment in land management decisions. They feel dispossessed as the federal agencies move in to secure control of the land. Examples of the public’s alienation would be new restrictions on car camping, the no campfire policy, the closure of reasonable access roads and the changing (“adjustment”) of the new National Park boundary at the last minute, prior to legislative enactment, behind closed doors in Washington, and beyond public scrutiny. . . . The series of NEMO workshops allowing public participation in the planning process was admirably designed to acknowledge perspectives and input offered by a diverse constituency of desert interests. However, during the process, a change of heart developed with the NEMO planning effort gradually seen as representing just another visitation by federal bureaucrats pretending to solicit input from local citizens as if someone in government or the government itself actually cared for what was expressed. For the last 23 years, local residents have attended public meetings related to public land management. With the passage of the California Desert Protection Act, along with its last second changes, it became apparent to people of multiple use persuasion that another agenda, a hidden agenda, was dominating the very process they thought they were participating in. Not only have the contributions of local citizens been ignored, the sense is, as rural inhabitants with nothing valid to say, they have been excluded. (Individual, No Address – #M25)

All in all, the Proposed Plan reveals itself very quickly and clearly as an extremely biased, prejudiced and slanted document, full of hyperbole and unsupported generalizations. This proposed Plan was conceived and written in a secretive manner by persons with their own agendas, committed to circumventing the intent of the United States



Congress by eliminating the public from the planning process and foisting their narrow minded, prejudiced, power hungry, anti-multi-use ideas and opinions on the People that live, work and play in the California Desert. (Recreational Organization, Westminster, CA – #M60)

**PC #: 13**

**Public Concern: The BLM should use effective outreach methods for informing motorized users about the proposed Travel Plan.**

Many people have expressed a general lack of trust of the NEPA Travel Plan process. They feel that the travel plan decisions are pre-determined and that it is pointless to participate in the process. The process must adequately meet public involvement requirements with respect to motorized visitors. The process must include methods of public involvement that effectively reach motorized visitors and methods to account for the needs of citizens who may not participate for diverse reasons. Some public involvement methods that would be effective include; (1) the use of trail rangers (who are motorized enthusiasts) to count and interview visitors using the travel ways and distribute travel plan materials to them, (2) publication in the newsletters of motorized association, (3) attendance at motorized club meetings, (4) posting of information packets at motorized trail head areas, and (5) mailings to OHV enthusiasts and owners. To date, the public involvement process has not adequately communicated with motorized visitors and has not provided effective and full public disclosure about the closure actions. . . . Under NEPA, decision-makers have a responsibility to seek out, determine, and make decisions that address the needs of all of the public and not just those that submit comments. (Recreational Organization, Helena, MT – #M73)

## **National Environmental Policy Act Process**

**PC #: 14**

**Public Concern: The Final EIS should disclose all information relevant to issue identification, planning criteria, management situation analysis, and alternative selection.**

2. Planning Process Overview a. ~. At page 1-3, the EIS identifies the nine steps included in the Land Use Planning and CDCA Plan Amendment process. The first step is an issue identification process. However, the EIS fails to identify the person(s) or body that performs the issue identification process. b. ~. According to page 1-3 of the EIS, the second step in the planning process is the identification of planning criteria. The EIS states that the criteria were derived from public and agency scoping laws, Executive Orders, Recovery Plans, planning principles, BLM Guidance, and available resource information for the NEMO Planning Area. The EIS should specifically identify each law, Executive Order, regulation, plan, principle and guidance that is the basis of the identification of planning criteria. c. ~. According to page 1-3 of the EIS, step 4 of the planning process is the analysis of the management situation. The EIS identifies the current Desert Tortoise management situation (Foreman, 1998) as a basis for developing and evaluating alternatives. While this document is available for review at BLM offices, it should be attached to the EIS as an appendix. d. ~. Step 7 in the planning process is the selection of the preferred alternative by the California Desert District Manager, according to page 1-4 of the EIS. Identify the standard by which the California Desert District Manager selected the preferred alternative and any and all guidelines or regulations that were followed in making such a selection. (Recreational Organization, San Diego, CA – #M67)

**PC #: 15**

**Public Concern: The BLM should justify how the scoping process was conducted and how issues were selected from scoping comments.**

The selection of issues from the scoping comments to be included or excluded from discussion is arbitrary and capricious. (Kern County Planning Department, Bakersfield, CA – #M65)

I don't believe the full scoping procedures have been followed by the BLM in regards to this. I believe other things were added after the fact. I think the time limits under Section 1501.8 have not been consistent with other desert actions. I think that there is incomplete or unavailable information. (Individual, No Address – #M302)



**PC #: 16****Public Concern: The BLM should comply with NEPA regulations to ensure that public comments are not considered as votes during the planning process.**

We are concerned with the way that public comments are being used by agencies in the decision-making process. We have been told by agency personnel that the total number of public comments received during the process is considered during the decision-making. There is a clear indication that decisions are being made based on those interests producing the most comments. We strongly disagree with a decision-making process using public comments as a voting process where the most comments wins the most trails and recreation opportunities. This procedure is flawed for the following reasons: The intent of National Environmental Policy Act (NEPA) when seeking public comments during scoping and document comment processes is to solicit public input in order to assure that significant issues were brought forward and considered. This intent is stated in NEPA Section 1501.7 as "There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." And in NEPA Section 1503.1 as "(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected." Clearly, comments under NEPA were intended to bring issues and concerns to the attention of the team preparing the environmental document and decision-makers. NEPA does not suggest, in any way, that public comments were to be used as a voting process to indicate support of alternatives. Unfortunately, agencies have considered the comment process as a voting process to gauge public opinion and have not recognized their responsibility to adequately address the needs of all of the public. (Recreational Organization, Helena, MT – #M73)

**PC #: 17****Public Concern: The BLM should investigate and report any misuse of public comments being used as votes in forming decisions regarding the Travel Plan.**

We ask that the incorrect consideration of public comments as "votes" for all past and ongoing travel plan proposals be investigated in this document. We ask that public comments not be used as a voting process and that all of the needs of the public be adequately addressed in the document and decision-making. (Recreational Organization, Helena, MT – #M73)

**PC #: 18****Public Concern: The BLM should include motorized recreation planners on the Interdisciplinary Team to ensure a balanced perspective on the Travel Plan.**

The interdisciplinary team (IDT) must include motorized recreation planners and enthusiasts in order to adequately speak for the needs of multiple-use and motorized visitors. Management decisions should be based on input from a management team that is representative of the public and the public's needs. This is especially necessary to provide a balanced perspective on the travel plan team and when consulting and coordinating with other agencies. (Recreational Organization, Helena, MT – #M73)

**PC #: 19****Public Concern: The BLM should evaluate how nationally funded environmental groups have influenced the NEPA process regarding motorized recreation.**

During year 2000 one national foundation, Turner, has provided \$3,337,000 in funding to 44 organizations that are active in our area ([www.turnerfoundation.org/turner/forest.html](http://www.turnerfoundation.org/turner/forest.html)). Other national foundations including Bullitt and Pew also contribute to these same organizations. The level of funding provided to non-motorized organizations from national foundations is thousands of times greater than that available to local organizations representing motorized recreationists. The document and decision-makers must evaluate the significant impact national foundation funding has on motorized recreationists, including how funding impacts the NEPA process, impacts the decision-making, and supports significant legal challenges to nearly every decision made. In addition, the document and decision-makers must evaluate the significant cumulative impact national foundation funding has had on all past actions involving motorized recreation. (Recreational Organization, Helena, MT – #M73)



**PC #: 20**

**Public Concern: The BLM should rigorously defend its actions in lawsuits brought by environmental organizations.**

As I was just reading in a publication, the Center for Biological Diversity filed their papers with the court over the Glamis sand dunes area. And because they were successful in court, they are apparently entitled to recovery of their legal costs. Their legal costs, which the BLM or the government or tax dollars will now pay to the Center for Biological Diversity and Sierra Club and the others in the lawsuit, was \$436,000. It really has gotten to a point where the biggest frustration on the part of the off-road vehicle and recreation and multiple use community is that lawsuits seem to be what it is that gets the attention of the agency. And . . . it's apparent through everything that has happened, not only with the BLM but with the Forest Service, is that the agencies will not stand up and fight and counter the action. Apparently, they have been advised by the justice department not to do that, not to enter into any protracted lawsuits and not spend the money. And it seems to a lot of us in the multiple use community that this is wrong. Because there have been so many instances where it seems to us that the agency could have successfully defended the claim, that they have not properly consulted with Fish and Wildlife, or they have failed, in some way or other, to adequately protect the species. (Individual, No Address – #C308)

**PC #: 21**

**Public Concern: The BLM should use an independent scientific panel for objective assessments.**

The regional Standards for Public Land Health recommended by the California Desert District Advisory Council are vague. Words like "appropriate" or "suitable" beg the question. In the end much comes down to suites of numbers, and, to some extent anyway, somebody must specify what numbers they are to be. If an objective scientist can't look back some years from now and decide whether BLM did or did not measure and respond to the results of measuring, the specifications may not be adequate. We believe it crucial that a science panel continue to be involved. It is imperative to have an independent science panel. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

**PC #: 22**

**Public Concern: The BLM should establish a Multiple-Use Review Board to assure that the Final EIS reflects multiple-use management goals and the needs of the public.**

Motorized recreationists are concerned that a reasonable alternative will not be adequately addressed in the environmental document and decision-making. To prevent this from happening, we request a Multiple-Use Review Board be established to assure that the decision-making reflects the multiple-use management goals and the needs of the public. We request that a Multiple-Use Review Board look into all past travel management decisions in our public lands to determine whether all decisions have adequately considered the needs of multiple-use and motorized recreationists. Where decisions have not adequately considered the needs of multiple-use and motorized recreationists, we request that the reasons be identified and that corrective actions be taken. (Recreational Organization, Helena, MT – #M73)

## **Documentation, Analysis, and Monitoring**

**PC #: 23**

**Public Concern: The BLM should base the Final EIS upon the best available science.**

**BLM FAILED TO UTILIZE THE BEST SCIENCE:** Throughout the public review process, BLM consistently represented that they would and did utilize the "best science" in the preparation of their NEMO DEIS. Clearly, without utilizing the services of qualified and licensed hydrologists and qualified and licensed hydro-geologists, BLM planned to fail to utilize the best scientific methods available. To make matters worse, the incompetent staff who prepared the hydrology and hydro-geology reports for the NEMO DEIS failed to utilize any of the standard methods of analysis commonly used in the fields of hydrology and hydro-geology. Without utilizing the best science



available NEMO cannot succeed. For this reason, the failure to utilize the best science, the NEMO DEIS is wholly inadequate and, as such, it cannot therefore be used as an informative document. (Multiple Use/Land Rights Organization, San Bernardino, CA – #11)

NEMO uses old data that does not reflect the current status of animal and plant inhabitants and uses this ancient data to justify closures in areas. This is not acceptable action. The public needs to have up-to-date scientific data to evaluate before they could possibly even begin to make an educated comment. NEMO needs also to reflect current situations in the Desert and not situations that existed some 20 years ago, such as the Tortoise Studies. (Individual, Big Bear Lake, CA – #M70)

The references, with one exception, are 20 to 53 years old (and Holecheck et al., 1998 is a reissue, not a document up to date through 1998). A large scientific literature has built up in that period, much of it challenging the broad-brush utilization guidelines. The BLM clearly has not reviewed the literature seeking “the best scientific information available” as it claims will be used. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

The lack of defensible and logical reasoning is an indicator of bias. The environmental document evaluations and decision-making must work hard to avoid arbitrary and capricious reasoning based on science with a bias. The Interdisciplinary Team must develop and use an overall sense of magnitude when evaluating positive benefits to the natural environment versus negative impacts to the human environment. Too many evaluations and decisions have been based on opinions and theoretical or qualitative assessments. Personal prejudices against motorized recreationists have been woven into evaluations and decisions by allowing opinions, and theoretical or qualitative assessments. The process must not allow the evaluations and decisions to be based on opinions, and theoretical or qualitative assessments. The evaluations must develop scientific measures to assess all benefits and impacts and the decisions must be based on fair scientific measures. Fair scientific measures must be based on criterion that allows actions based on a level of relative change that is acceptable. To date too many motorized closures have been enacted that produce relatively insignificant environmental improvement and relatively significant impacts to the human environment. (Recreational Organization, Helena, MT – #M73)

The Preferred Alternative is based on conclusionary assumptions that are not supported by sufficient analysis, evidence in the record, or sound science. (Kern County Planning Department, Bakersfield, CA – #M65)

## **PC #: 24**

### **Public Concern: The BLM should recirculate a revised DEIS that provides adequate environmental impact analysis and complies with relevant statutory requirements.**

The NEMO EIS suffers from numerous analytical and technical defects, some of which are systemic and render invalid many of the conclusions drawn by the document’s preparers. The document is replete with errors in logic, unsupported hypotheses, gross and unsubstantiated generalizations, and impact assumptions based on little or no technical evidence. . . . The NEMO Plan and EIS suffer from three more fundamental deficiencies: (1) Failure to address the two most common causes of Desert Tortoise mortality—disease and raven predation; (2) failure to assess and disclose the NEMO Plan’s individual and cumulative impacts on recreation, particularly recreation that requires the use of an OHV; and (3) failure to provide adequate mitigation for the loss of OHV routes resulting from the NEMO Plan. These three failures render the Plan unsupportable and inconsistent with the species protection policies of the Endangered Species Act and the multiple use policies of FLPMA. Moreover, these three failures prevent the EIS from meeting the minimum analytical requirements of NEPA. In short, the Plan is poorly conceived and must be radically altered if it is to meet the established goals of the 1994 Desert Tortoise Recovery Plan. It is indeed disappointing that so much energy, time, and tax dollars have produced a plan that serves only to reduce public access to public lands with no material benefit to the species of concern. (Recreational Organization, San Diego, CA – #M67)

The EIS is a rationalization for a predetermined plan rather than an objective analysis. . . . The structure and analysis of the EIS is confusing, internally inconsistent and fails to provide adequate information for meaningful public comment. The EIS is invalid to the extent that it relies on the goals of the Recovery Plan for the Desert Tortoise without independent and objective analysis. Based on the inadequate analysis of the cumulative impacts of the numerous regional planning efforts and policy decisions on activities in the desert, this EIS should be revised and recirculated. (Kern County Planning Department, Bakersfield, CA – #M65)

I believe that Section 1502.22 has been violated. I believe that the methodology and scientific accuracy of Section 1502.24 for the wild and scenic rivers has been violated. And, I also believe that OHV usage and grazing lot access



have not been accurately depicted. I believe that you have not talked to the land owners up in Inyo County. . . . The data that was given on Appendix T, Surprise Canyon, is false. I believe it's false. And basically, I think it's in violation of NEPA. Specifically 40 CFR, Chapter 5, Section 1501.7. (Individual, Las Vegas, NV – #M302)

**PC #: 25**

**Public Concern: The BLM should ensure that planning staff meet State of California professional credential standards prior to conducting NEPA analyses.**

Notice that BLM employees are only "exempt from registration" and, nothing more. This exemption does not permit BLM employees to use the title, "hydrologist", which they did. (58 Ops.Atty.Gen. 278,4-16-75; and, 54 Ops.Atty.Gen. 210, 10-28-71). It does not exempt BLM employees from submitting evidence of their qualifications to practice, which they have not. (Ca. Bus. & Prof. Code [section] 6730) It does not permit BLM employees to practice hydrology unless they are "correspondingly qualified" to do so, which they are not. (Ca. Bus. & Prof. Code [section] 6787(f)). It does not permit BLM employees to assume responsibility for a study they did not directly supervise or perform, which they did. (Ca. Bus. & Prof. Code [sections] 6703 and 6735; 16 CCR [section] 404.1) And, finally, it does not permit BLM employees to practice civil engineering incompetently, which they did. (Ca. Civ. Code [section] 1714). . . . **BLM FAILED TO PERFORM HYDRO-GEOLOGY.** Many of the above comments focused on the failure of BLM to utilize the services of licensed hydrologists or to utilize the engineering methods of analysis commonly employed in the field of hydrology in the preparation of the NEMO DEIS. The same holds true for the field of hydro-geology. Here, BLM failed to utilize the services of licensed hydro-geologists or to utilize the engineering methods of analysis commonly employed in the field of hydro-geology in the preparation of the NEMO DEIS. This is not a small defect. Hydro-geology is the study of underground water storage basins and the movement of water underground. This discipline is therefore essential to the success of the NEMO, as proposed. Without proper hydro-geological analyses, NEMO cannot succeed. For this reason, the failure to utilize licensed hydro-geologists or to utilize acceptable methods of hydro-geology, the NEMO DEIS is wholly inadequate and, as such, it cannot therefore be useful as an informative document. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 26**

**Public Concern: The Final EIS should provide data supporting the BLM's identification of potential causes of resource decline.**

Causal Factors. According to the EIS, where public land health assessments "indicate that resource management objectives are not being met, a determination will be made as to the causal factors." (p.2-3). This is a good policy, but one not applied in the EIS. Throughout its discussion of current resource conditions, the EIS identifies potential causes of resource declines, but does so with little or no supporting data. Worse, there is no effort in the EIS to draw causal links between (a) resource management goals, (b) impediments to those goals, and (3) the proposed restrictions on public access and use. (Recreational Organization, Ridgecrest, CA – #M67)

**PC #: 27**

**Public Concern: The BLM should conduct a cumulative impact analysis of other projects on the NEMO planning area.**

The analysis of cumulative impacts fails to adequately address the adjacent Regional plans; WEMO and NECO, known projects in the area—such as the Fort Irwin expansion—and CDCA-wide management plans and policies. (Kern County Planning Department, Bakersfield, CA – #M65)

Cumulative Impacts of Simultaneous Implementation of Planning Efforts in Four Areas Must Be Examined. The EIS notes at page 1-17 that there are four different planning areas (three in southern California and in southern Nevada), and that each of the four will have its own plan and EIS. However, no EIS addresses the cumulative impacts of all four planning efforts being undertaken simultaneously. This is a violation of NEPA. (Recreational Organization, San Diego, CA – #M67)



**PC #: 28****Public Concern: The BLM should coordinate NEMO planning and implementation with related plans to ensure consistency.**

I would like to make one statement regarding the whole NEMO Plan. I do not agree with any part of this draft and would like to see all actions put on hold until the completion of the West Mojave Plan and then I would like to see all plans be set with the same criteria for doing things like route designation. Why must we have three separate plans for one Desert? And why do the plans have different rules? There must be consistency within the three plans. Again, I do not accept this Draft of NEMO. I find it severely flawed with lack of supporting documentation in all areas. (Individual, Big Bear Lake, CA – #M70)

**PC #: 29****Public Concern: The BLM should revise the NEMO and NECO planning documents for consistency.**

Having tried to review both the NEMO and NECO documents, we have found it is an impossible task. One document provides a glossary and the other does not. Are both documents utilizing the same definitions of terms? (Recreational Organization, Ridgecrest, CA – #79)

**PC #: 30****Public Concern: The BLM should integrate NEMO, NECO, and WEMO planning documents into one California Desert Conservation Area Plan Revision.**

These documents (NEMO and NECO) should be held and merged with the West Mojave Plan when it is finished. The three should be blended and worked into a single document which becomes the new California Desert Plan. This should be done with full participation of an informed public. A new CDCA [California Desert Conservation Area] plan will be the result of these two documents plus the WEMO, except the CDCA plan will have been done bit by bit in violation of FLPMA. These are not a single plan amendment. There are multiple plan amendments in each document, each affecting the CDCA plan or its appendices in many, many ways. (Recreational Organization, Modesto, CA – #M90)

**PC #: 31****Public Concern: The BLM should suspend the NEMO planning process until a decision is made in the proposed Yucca Mountain nuclear waste repository.**

It is pointless for the BLM to continue work on the N&E Mojave Plan until we know, in a few short years, the nuclear waste repository is coming to Nevada and Yucca Mountain. If the repository does come to Yucca, as seems likely to the highest degree short of certainty, then any work done by the BLM on the Mojave Plan will lie in ruin under a brand-new heavy duty standard gauge railroad built along the old T&T grade from Ludlow to Death Valley Junction to Yucca Mountain. (Individual, Henderson, NV – #M29)

**PC #: 32****Public Concern: The Final EIS should correctly relate the NEMO plan with the National Park Service's plans regarding the Desert Tortoise Recovery Plan and the Joshua Tree Plan.**

The Draft leaves out some important information in its discussion of related planning efforts in the California desert. It is incorrect to state that "For desert tortoise, this planning effort (i.e., the plans in the California Desert), has developed strategies that vary in some respects from the recommended actions in the recovery plan." The NPS Plan adopted the recommendations of the Recovery Plan virtually unchanged and designated all of the undeveloped portion of the park as the Joshua Tree DWMA. The Draft continues its oversight when it fails to list the Joshua Tree Plan among the planning efforts in the California Desert. The Joshua Tree GMP Amendment was made necessary by the 1994 expansion of the park and does not differ in any substantive way from the planning effort at Death Valley National Park, which is listed on pages 17 and 18. Both the Death Valley and the Joshua Tree Plans are amendments to existing plans made necessary by the 1994 CDPA. Both are at the same level of planning in the NPS planning hierarchy. In at least one significant way, the Joshua Tree Plan is more comprehensive than the Death

Valley Plan. The Joshua Tree Plan analyzed the complete road network in the park and designated roads open to motor vehicles and closed others. Death Valley's Plan, at least in the latest Revised Draft, does not. The BLM Draft needs to list the Joshua Tree Plan on page 18. We suggest that the BLM contact Park Superintendent Quintana for the relevant information. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 33**

**Public Concern: The BLM should update the Final EIS to reflect the National Park Service's general management plans for Death Valley National Park and Mojave National Preserve.**

We request that the NEMO be updated to reflect management direction and activities pursuant to the NPS's general management plans for Death Valley National Park and Mojave National Preserve. Revised draft EIS\GMP's were released in September 2000 for public review, and provided to your offices. Eleven public meetings were held, and BLM staff were provided additional relevant information during this time. Abbreviated Final EIS's were released on June 22, 2001, and copies were again provided to BLM. The Record of Decision (ROD) for Death Valley NP has been approved, and the Mojave NP ROD is pending approval at this time. (U.S. National Park Service, Oakland, CA – #M42)

The proposed CDCA Plan Amendments are important to the NPCA because the planning area includes the Mojave National Preserve and Death Valley National Park. While the CDCA Plan does not govern national park system areas, any decision to amend that plan implicates the two areas of the national park system. Some of the proposed plan amendments depend upon, and are related to, decisions yet to be made by the National Park Service (NPS). The planning area and its park and public land resources are bound together by geographic and biologic values that do not recognize boundaries. With regard wilderness, endangered species and other resources, the NPS and BLM share common legislative mandates. Most compelling of the mandates is the need to implement the Desert Tortoise Recovery Plan. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 34**

**Public Concern: The Final EIS should clarify that the responsible land management agencies cannot abdicate responsibilities to the Desert Managers Group.**

Chapter2, p. 16 – The Desert Managers Group cannot replace the responsible land management agency. . . .Chapter 2, p. 31 – Item 5 under Decisions and Policy Common to All Alternatives should more accurately point out that interagency relations are the responsibility of the agencies involved and not of the Desert Managers Group. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 35**

**Public Concern: The BLM should reduce the amount of agency resources it commits to develop the Final EIS.**

The time since initial scoping in 1995 to now, summer of 2001 (6 years or more), consisted of an excessive time, man-hours, and cost to reach this stage of a Draft EIS, which is not complete. Management controls in these areas were not adequate. (Individual, Las Vegas, NV – #M13)

**PC #: 36**

**Public Concern: The BLM should ensure that it has the funding and resources to meet multiple-use mandates while protecting the environment.**

We appreciate that the interaction between science and government can be expensive but necessary. The funding and human resources required to do the job should be made available. If unfunded mandates are a problem, and we see they are, then we support and urge the government to supply the funding to accomplish the mandate to respond to the multiple use requirements while protecting the environment people are using. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)



**PC #: 37****Public Concern: The CDCA Plan Amendment should clearly identify monitoring objectives and future actions for correcting plan implementation.**

Clear objectives for monitoring need to be established and added to the Plan. We believe that monitoring the effectiveness of the Plan implementation measures is of paramount importance. Potential corrective actions should also be identified, which may be taken in the event that initial implementation actions are not effective. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

We have many questions about what parametric values it takes to trigger management change. It is a delicate balance to get benchmarks and set detailed objectives while allowing for the expertise of land managers to assess land health based on their experience. There is need to allow for future changes in specifications based on incoming data and progress in the body of scientific knowledge involved, and some course corrections may be appropriate over time. We appreciate that measuring some outdated parameters in twenty years just “because the plan says to” could be silly. Perhaps the plan should give some specific parameters (and one size may not fit all) to be used for assessment of land health (i.e., health of washes in general or of a specific wash) along with a viable plan for change later, if warranted. It is important to set out specifications for BLM and public information. The plan does seem to need more detailed underpinnings now so that benchmark data and future measurements will be clear and compatible. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

**PC #: 38****Public Concern: The BLM should consider the negative impacts of monitoring.**

How will the plan be monitored without causing more disruption, e.g., vehicles in the areas or aircraft to monitor larger, more remote areas? Won't that cause more stress to threatened animals and plant species? More signs to clutter nature? If drivable washes are closed and monitored, new routes will appear to circumvent for those who need to get around and are no longer able to use the washes. The washes, as you should know, are washed clean with many of the rains during the year, leaving them once again pristine. A note to this is that I have not seen any damage from vehicle use in that area. It is simply too harsh for that type of use or misuse. For a desert that has been just fine for tens of thousands of years what will a few signs do? Will more vehicle travel to monitor remedy the little amount of travel now? The people I have met . . . are more respectful of nature than the remedies appear to be. I vote for as little restriction as possible to “our” land. (Individual, Blythe, CA – #M26)

**PC #: 39****Public Concern: The BLM should address the availability of funds to provide effective monitoring.**

The public land management agencies have insufficient funding, staff, and determination to create and administer monitoring systems that will provide reasonable assurance that adverse impacts will be minimized and opportunities for restoration taken advantage of. (Preservation/Conservation Organization, Glendale, CA – #M44)

The Plan should identify the estimated costs of the monitoring program. We also believe that the BLM should address the ability to implement an extensive program in light of shrinking budgets. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

**PC #: 40****Public Concern: The BLM should clarify the number of acres potentially affected by the proposed projects.**

You're talking about all this land. Why don't you let us know how much land the BLM is going to try to encompass? Is it 5,564,740 acres, or is it two million—what was it, 2,600,000 acres? And then I was talking to your charting cohort up there and she said they were talking about a million acres for this particular project and two million acres for that. But the whole encompasses—how much land are you folks talking about? (Individual, No Address – #M314)



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**PC #: 41**

**Public Concern: The BLM should provide visitor education programs to help conserve the desert environment while allowing recreational use.**

Please foster a positive attitude towards responsible remote desert visitation and exploration, with education programs to encourage all users to cooperate, share and appreciate the unique desert environment. (Individual, Mill Valley, CA – #M31)

The management philosophy of the Bureau of Land Management and Forest Service seems to be that the only way to address a problem is by closing access to the forest. An approach that is more reasonable to the public including motorized visitors is to maintain recreation opportunities by addressing a problem through mitigation measures such as education, signing, seasonal restrictions, user fees, and structural improvements such as water bars, trail re-routing, and bridges. We encourage public agencies to support and use education as a means to address and mitigate problems rather than closures. Most user-created problems can be addressed by education. Education should be the first line of action and all education measures should be exhausted before pursuing any other action. The elimination of much needed recreational opportunities is not reasonable without first exhausting all possible means of education to address the problem. Educational programs could include use of mailings, handouts, improved travel plan mapping, pamphlets, TV and radio spots, web pages, newspaper articles, signing, presentations, information kiosks with mapping, and trail rangers. Restrictions or closures are not always obvious to the public. Education can also be in the form of measures such as the use of jackleg fences with signs at the end of motorized trails in sensitive areas so that public is made aware of the end of the motorized trail and the surrounding area closure. The use of public education to address problems may require effort and time but it is more reasonable than closures and must be used fully utilized. Additionally, motorized visitors can be called upon to help implement the educational process. (Recreational Organization, Helena, MT #M73)

**PC #: 42**

**Public Concern: The Final EIS should recognize the U.S. Fish and Wildlife Service as the agency responsible for desert tortoise habitat category decisions.**

Ch. 2-16, 2.2.2.1 (mm) USFWS should be the agency to adjust Category I habitat and to assign tortoise habitat outside of the Desert Wildlife Management Areas (DWMAs) to Category III tortoise habitat. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 43**

**Public Concern: The CDCA Plan Amendment should require site-specific review of projects that disturb 10 or more acres of public land.**

[Suggested Modifications to Alternative 2] The standard of requiring site-specific review of projects that disturb 10 or more acres of public land should be retained. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 44**

**Public Concern: The Final EIS should justify how changes on public lands meet the legal standard for triggering the proposed plan amendments.**

I. Purpose and Need. a. Plan Amendment Triggers. At page 1-2, the EIS notes that changes in circumstances on public lands have triggered the proposed plan amendments to the CDCA [California Desert Conservation Area] plan. Identify the legal standard that triggers plan amendments and provide a citation. Also discuss how these nine events meet this legal standard. (Recreational Organization, San Diego, CA – #M67)

**PC #: 45**

**Public Concern: The Final EIS should identify the new BLM policies that were adopted and/or implemented and justify how these policies trigger the proposed plan amendments.**

f. Trigger: New BLM Policies. At page 1-2, the EIS identifies implementation and adoption of new BLM policies as the last three events that triggered the proposed plan amendments. Please identify the new policies that were adopted

and/or implemented and how they trigger the plan amendments. (Recreational Organization, San Diego, CA – #M67)

**PC #: 46**

**Public Concern: The Final EIS should justify how particular threatened and endangered species status changes are legitimate triggers for the proposed plan amendments.**

**AMARGOSA VOLE**

c. Trigger: Amargosa Vole Listing. At page 1-2, the EIS states that the proposed plan amendments have been triggered by, among other things, the listing of the Amargosa Vole as endangered under the Endangered Species Act, designation of critical habitat for the species and publication of a recovery plan for the vole. Please discuss how the listing, the designation and the publication, respectively and collectively, trigger the proposed plan amendments. (Recreational Organization, San Diego, CA – #M67)

**AMARGOSA NITERWORT, ASH MEADOWS GUMPLANT AND SPRING LOVING CENTAURY**

d. Triggers: Amargosa Niterwort, Ash Meadows Gumplant and Spring Loving Centaury. At page 1-2, the EIS states that the proposed plan amendments have been triggered, in part, by the listing of the Amargosa Niterwort as endangered under the state and federal endangered species acts, and also the listing of the ash meadows gumplant and spring loving centaury as threatened under the federal Endangered Species Act and the designation of critical habitat for these two plant species is a trigger for the proposed plan amendments. The EIS should provide the link between such listing and designation and the proposed plan amendments. (Recreational Organization, San Diego, CA – #M67)

**BAT SPECIES**

e. Trigger: Bat Species Concerns. At page 1-2, the EIS cites an “increasing concern for population status and the possible need for the listing of several bat species as threatened or endangered under the State and Federal ESAs” as one of the nine triggers for the proposed plan amendments. The EIS fails to cite technical information or hard data supporting such increasing concern. (Recreational Organization, San Diego, CA – #M67)

## **Statutory Authority**

**PC #: 47**

**Public Concern: The BLM should verify that the ongoing planning process is in accordance with the Federal Land Policy and Management Act.**

The passage of the Federal Land Policy and Management Act (FLPMA) was an important step into the future management of the California Desert. It provided protections to the public, private property owners, local governments, utilities, special districts, family recreational interests of all types, certain wildlife and others. The ongoing planning activities of WEMO, NECO, & NEMO, all violate the very concepts of FLPMA. (Recreational Organization, Ridgecrest, CA – #M79)

**PC #: 48**

**Public Concern: The BLM should initiate one amendment for all California Desert Conservation Area planning units.**

No where in either document, are there explanations of the compounding of changes to the California Desert Plan. No where is there a table which identifies the cumulative changes to the CDCA Plan. Each document responds to the recommended changes in its printing as if the changes proposed in the NEMO or the NECO plans, individually, were the only changes occurring to the California Desert Plan. Both plans are illustrative of what happens when planning for the California Desert is done piece meal. This is why the Federal Land Policy and Management Act required that “a” plan for the California Desert Conservation Area be done. (Recreational Organization, No Address – #M90)



**PC #: 49**

**Public Concern: The Final EIS should disclose the BLM's authority to amend the CDCA Plan.**

**Presumption Is Against An Implied Delegation.** BLM has not provided any proof of express delegation or re-delegation of authority over the CDCA, either in their proposed NEMO or, in their DEIS. Hence, we can assume that BLM implies that they, and the appropriate subdivisions of BLM, have received delegation of such authority. This, of course, raises the question as to whether the delegation or re-delegation of authority can be implied.

**Secretary Nor, BLM Can Rebut Presumption Against An Implied Delegation.** Neither the Secretary of the Interior nor, anyone in BLM, has shown that it is the administrative practice of their agencies to delegate or re-delegate statutory authority over the CDCA, by implication. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 50**

**Public Concern: The BLM should examine proposed route closures for compliance with RS2477.**

Notably missing from the list of laws and regulations with which the proposed actions and alternatives are said to be "consistent" is RS2477 and successor legislation. In this section it should be noted that the *BLM lacks the legal authority to designate or close roads across public lands*, unless they were established after 1976. RS2477 and successor legislation protects the public's right to routes across such lands, and subsequent legislation such as the California Desert Protection Act dictates management subject to existing rights. The only legal justification given for route restrictions is the BLM's self-directed CDCA Plan which "requires" them. If management plans relating to public lands continue to ignore the public's RS2477 rights, most closures they attempt to implement will be vulnerable to legal annulment as soon as someone seriously disputes a citation issued for traveling on one of the designated "closed" routes. (Individual, Mill Valley, CA – #M31)

Most of the motorized trails have served as important public access routes since the turn of the century. This significance is clearly demonstrated by the number of historic mines and structures that are located along these routes. We have observed that these travel ways are currently significant recreation resources for motorized visitors in the area including ATV, motorcycle, and four-wheel drive enthusiasts. Many of these travel ways have right-of-ways as provided for under the provisions of Revised Statute 2477. These roads are shown on many older mapping sources including: aerial photographs, 15-minute U.S. Geological Survey quadrangle sheets, and older county maps. The cut and fill sections and obvious roadbed indicate that these roads were constructed and used by the public for access to the forest. RS 2477 was created to provide adequate public access to our public lands. Now this public access is being eliminated. These travel ways must remain open based on: (1) their history of public access, (2) the access that they provide to interesting historical sites, and (3) their significance to public access. The document must evaluate all of the issues surrounding RS 2477 including the cumulative impact of all past closures of RS 2477 routes. (Recreational Organization, Helena, MT – #M73)

**PC #: 51**

**Public Concern: The CDCA Plan Amendment should comply with local government land use designations and management prescriptions.**

NEPA requires the integration of an Environmental Impact Analysis (EIS) with applicable state and local land use planning requirements (40 CFR 150.29d00). Inyo County has been engaged in a comprehensive update of its General Plan including designation of Environmental Resource Areas and land use prescriptions for the communities of China Ranch, Death Valley Junction, Tecopa, and Shoshone. This update process has been extensively discussed at meetings of the Inyo County Collaborative Planning Team, of which the BLM's Barstow Field Office is a signatory. The DEIS's proposed action, including the creation and consolidation of ACEC's that propose acquisition of private lands, and the release of BLM lands into private ownership, does not acknowledge any existing or proposed local land use designations and management prescriptions, nor is the proposed action reviewed for consistency with these designations and prescriptions. (Inyo County Board of Supervisors, Independence, CA – #M37)



**PC #: 52****Public Concern: The BLM should comply with the Regulatory Flexibility Act.**

**BLM PROPOSES TO VIOLATE 5 USC [section] 604:** Title 5 U.S.C. subsection 604(a) requires; BLM is required to publish, at least, the Summary of their Final Regulatory Flexibility Analysis when they publish their final rule, the NEMO. BLM, instead, has indicated that they have no intention of publishing either a Summary of their Final Regulatory Flexibility Analysis or, a Final Regulatory Flexibility Analysis. And, even were BLM to publish either of these documents, they have indicated their intention to do it long after the final rule of the NEMO has been published. Neither proposal would be in compliance with the Regulatory Flexibility Act. Hence, BLM proposes to violate the Regulatory Flexibility Act. (Multiple Use/Lands Rights Organization, San Bernardino, CA – #M11)

**PC #: 53****Public Concern: The BLM should review proposed route closures for accordance with multiple-use management directions.**

Multiple-use management goals are the only goals that will “best meet the needs” of the public and provide for equal program delivery to all citizens including motorized visitors. All of us have a responsibility to accept and promote diversity of recreation on our public lands. Diversity of recreation opportunities can only be accomplished through management for multiple-uses and reasonable coexistence among visitors. The significant closing of roads and motorized trails in the project area is not consistent with meeting the needs of the public and the goals of Multiple-Use Management as directed under Federal Land Policy and Management Act of 1976 (FLPMA), Multiple Use Sustained Yield Act of 1960 and P.L. 88-657. The proposed travel plan combined with the cumulative effects of other proposed and enacted federal land management policies have resulted in a significant reduction of multiple-use and OHV recreation opportunities. We request further evaluation of compliance with multiple-use policies and laws and that the decision support these policies and laws. (Recreational Organization, Helena, MT – #M73)

**PC #: 54****Public Concern: The CDCA Plan Amendment should retain current requirements for site-specific project review and consultation for mining disturbances greater than 10 acres.**

I oppose programmatic coverage for disturbance of less than 100 acres without site-specific project review under section 7 of the ESA. NEMO should not reduce protection below the present programmatic mining consultation, which covers no more than 10 acres of disturbance at a time. (Individual, Berkeley, CA – #M58)

**PC #: 55****Public Concern: The BLM should ensure adequate supervision of planning documents with regard to statutory requirements, standard resource classifications, and information accuracy.**

This is a symptom of inadequate management in the preparation of this document. See no reference to grandfathered provisions of R.S. 2477 in regard to roads and trails. This EIS should not be silent on this area, but be clearly stated in the final EIS, and Record of Decision (ROD). Appendix K – A number of significant laws are not referenced such as R.S. 2477, Mining Law of 1872 as amended, etc. This reference list is a biased, and not a balance presentation of references. Figure 3.a. – Map legend consists of four mineral classifications: (1) Geothermal Mineral Potential, (2) Saleable Industrial Mineral Potential, (3) Saleable Construction Materials Mineral Potential, and (4) Metallic Mineral Potential. These four mineral designations on Figure 3.a. have no correlation to the BLM standard designation of: (1) locatable, (2) leasable, and (3) saleable minerals, as described in Appendix A-9-11. Furthermore, the types of mineral potential outlined on the map of Figure 3.a., are in some cases in error. The above comments clearly show the manager and staff in the preparation of Figure 3.a. knowledge of minerals is very low. The coordination of the BLM with the affected parties; mining companies, mining claimants and mineral professionals appears to not exist in the preparation of Figure 3.a. The BLM and affected parties can not permit erroneous data, such as Figure 3.a., to be perpetuated and published in the Final EIS. (Individual, Las Vegas, NV – #M13)

## Consideration of Alternatives

### PC #: 56

**Public Concern: The BLM should draft and implement a new preferred alternative providing reservation of valid existing property and access rights.**

**PREFERRED ALTERNATIVES ARE NOT FEASIBLE:** The NEMO Draft EIS mentions various alternatives. The preferred alternative proposes more than a 96 percent change, restrictions on ingress and egress to valid existing rights. In addition, the preferred alternative is conspicuous by its failure to provide for the reservation of valid existing rights. Alternatives to be considered must be feasible. Not only are valid existing rights protected in wilderness areas but, the owners of said rights are assured ingress and egress by customary means (16 U.S.C.A. [section] 1134 (b)). Moreover, the BLM does not have the jurisdiction, is not authorized, to place higher restrictions on any area over and above that which Congress has not placed on any area. As such, any proposed alternative which does not provide for valid existing rights and customary ingress and egress by the owners thereto would violate the Wilderness Act of 1964 and, be outside the jurisdiction of the BLM to establish. For said violations, the preferred alternative would not be feasible. As it would not be feasible, said alternative cannot therefore be proposed. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

### PC #: 57

**Public Concern: The Final EIS should include clear language to establish one consistent, preferred alternative.**

In the NEMO plan the public has been asked to comment on wildlife strategies and select alternatives. This is impossible. The BLM's Preferred Alternative seems to be number 5 and in other strategies there is no preferred alternative identified and no Alternative 5. And therefore the document is unclear and the public is denied. (Recreational Organization, No Address – #M90)

Alternative 5 ("Preferred"): If, as stated, this is the same as Alternative 3, why bother to list it as a separate alternative? Doing so simply adds to the impression of bureaucratic mindlessness that EIS reports are often in danger of giving! (Individual, Mill Valley, CA – #M31)

### PC #: 58

**Public Concern: The BLM should select the No Action Alternative.**

I strongly recommend and urge adaptation of the NO ACTION ALTERNATIVE/Current Management for the Northern and Eastern Mojave Planning Area of the Colorado & Mojave Deserts of California. Continue to administer the current Master Plan, and initiate action on all deferred maintenance, etc. for a statistically significant period, minimum of twenty (20) years, before attempting expansion of unrealistic goals & objectives. (Individual, Twentynine Palms, CA – #M28)

### PC #: 59

**Public Concern: The BLM should implement Alternative 2 only if it is strengthened to better protect endangered plants and animals.**

In general, I support Alternative 2, if comments to strengthen it and better protect endangered plants and animals are incorporated. If this is not done, I would rather see the No Action alternative adopted and that a new EIS be written which includes these comments, and those of the National Parks Conservation Association and those of the Center for Biological Diversity. (Individual, Ridgecrest, CA – #M57)

In closing, we request that BLM adopt Alternative 2 as the Preferred Alternative, modified so that it fully implements the recommendations of the Fish and Wildlife Service's Desert Tortoise Recovery Plan, fully protects threatened and endangered plants in the Carson Slough, and protects the Amargosa River, Cottonwood creek, and Surprise canyon under the Wild and Scenic Rivers Act. (Preservation/Conservation Organization, Washington, DC – #M66)



**PC #: 60****Public Concern: The BLM should implement Alternative 2 to protect environmental resources.**

While the Red Rock Audubon Society is based in Las Vegas, NV, the Eastern Mojave is closer to this metropolitan area than to any other and it is seeing increased visitation from Nevadans. As we watch the dramatic growth in human population in Southern Nevada, we are constantly reminded of the fragile nature of the Mojave Desert ecosystem. Hence, we feel that the most conservation oriented alternative, Alternative 2, should be the preferred alternative for future management direction. It is unfortunate, but true, that as human visitors increase in both numbers and mobility that additional restrictions on vehicle use will have to be imposed if we are to avoid further degradation, let alone recovery of impacted plant and animal communities. Our first obligation must be to protect the health of the land. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 61****Public Concern: The Final EIS should not include additional land use restrictions within the Preferred Alternative.**

Please enter onto the record my dissatisfaction that a group of environmental extremists are trying to add more restrictions to the plan 2 (preferred) plan. Please do not add any more restrictions. (Individual, Simi Valley, CA – #M82)

I had wanted to express my support for BLM's preferred alternative plan for the NEMO area. I have read the objections presented by the Center for Biological Diversity and disagree with them. I support the use of public lands for the public. (Individual, Mission Viejo, CA – #M86)

**PC #: 62****Public Concern: The Final EIS should incorporate all CDCA lawsuit settlement conservation measures within Alternative 2.**

This alternative [Alternative 2] and the others fall short of implementing recovery plans for listed species in the area. The Endangered Species Act specifically requires that the Secretary of the Interior not only develop recovery plans but also "implement" them. All CDCA lawsuit settlement conservation measures affecting the NEMO area should be made permanent or strengthened through the final decision. (Preservation/Conservation Organization, San Diego, CA – #M61)

The Center conditionally supports Alternative 2. But, without full incorporation of our comments into the final, we do not support this alternative, but instead support "no action" and demand BLM produce a new draft EIS that includes our comments. All CDCA lawsuit settlement conservation measures affecting the NEMO areas should be made permanent and strengthened through the final decision. These are measures BLM has already agreed to and is implementing. It is unacceptable to abandon them now. (Preservation/Conservation Organization, Tucson, AZ – #M71)

**PC #: 63****Public Concern: The BLM should draft and implement an alternative that includes all provisions of the Desert Tortoise Recovery Plan.**

Desert Survivors was stunned to discover that no alternative fully implemented the 1994 Desert Tortoise Recovery Plan. The public was not given a discussion showing the impacts and possible benefits of doing exactly what the U.S. Fish and Wildlife Service proposed in 1994. We are given alternatives, some of which consider most of the plan, but none do it all. This would seem a grave omission. Perhaps a supplement is necessary although we do not want to delay implementation of critically needed desert tortoise protection. You have delayed so long as to allow an emergency situation to arise; half-way measures aren't good enough anymore. (Preservation/Conservation Organization, Oakland, CA – #M76)

Defenders believes that the BLM should adopt as the preferred alternative a NEMO Plan that fully implements the recommendations of the U.S. Fish and Wildlife Service's Desert Tortoise Recovery Plan, fully protects threatened and endangered plants in the Carson Slough, and protects the Amargosa River, Cottonwood Creek, and Surprise Canyon under the Wild and Scenic Rivers Act. (Preservation/Conservation Organization, Washington, DC – #M66)

**PC #: 64**

**Public Concern: The Final EIS should include a preferred alternative that preserves multiple-use principles including motorized recreation.**

The alternatives discussed do not include any that consistently implement the CDCA and Federal Land Policy and Management Act requirements for multiple use and sustained yield. (Kern County Planning Department, Bakersfield, CA – #M65)

Instead of a process to eliminate motorized access and recreation opportunities, the process should be directed to meet the need for multiple-use, motorized access and motorized recreation on our public lands. The National Environmental Protection Act requires that agencies "Rigorously explore and objectively evaluate all reasonable alternatives" [40 CFR 1502.14(a)]. We ask that you develop a preferred alternative formulated around preserving and enhancing multiple-use interests and motorized recreation. (Recreational Organization, Helena, MT – #M73)

**PC #: 65**

**Public Concern: The Final EIS should include an education alternative designed to reduce and mitigate motorized recreation impacts.**

An alternative to motorized closures exists that would be more productive for the entire public. This alternative would center on the use of education to address and eliminate issues with motorized recreationists by encouraging the practice of principles such as those found in the Tread Lightly program and Blue Ribbon Coalition Recreation Code of Ethics. This alternative would also use education to address and eliminate issues with non-motorized recreationists by promoting proper expectations, tolerance of others, and sharing of our land resource. To date, this alternative has not been considered, evaluated or implemented. First, an education alternative must be fairly evaluated as part of this proposed action. The National Environmental Protection Act requires that agencies "Rigorously explore and objectively evaluate all reasonable alternatives . . . " Secondly, the cumulative impact on motorized recreationists of not evaluating and using an education alternative in all past actions involving motorized recreational opportunities must be evaluated and addressed. (Recreational Organization, Helena, MT – #M73)

**PC #: 66**

**Public Concern: The Final EIS should include a Travel Plan Alternative that supports motorized recreation.**

The Travel Plan environmental document must be an issue driven document as required under the National Environmental Protection Act and the Council on Environmental Quality guidelines. The driving issue is the development of a reasonable travel plan alternative that addresses the needs of the public. The National Environmental Protection Act requires that all reasonable alternatives be evaluated. We request that the environmental document include a Travel Plan alternative that is representative of the public's multiple-use needs. A reasonable alternative would incorporate all existing motorized roads and trails and restrict motorized travel to those travel ways. A reasonable travel plan alternative must provide a continuous system of roads and trails on which off-highway vehicles can be legally ridden. A reasonable travel plan alternative is needed in order to avoid contributing to the significant cumulative impacts that motorized recreationists have experienced. In order to avoid contributing to further cumulative impacts we request that an alternative based on incorporating all existing motorized roads and trails and restricting motorized travel to those travel ways be included in the environmental document. (Recreational Organization, Helena, MT – #M73)



# Affected Environment and Environmental Consequences

## General Desert Environment

### PC #: 67

#### **Public Concern: The CDCA Plan Amendment should protect and preserve the desert environment.**

I am a conservative voting republican. I have spent 51 years in the desert. I prefer to protect the desert from development and destruction. (Individual, Cottonwood, AZ – #M87)

I have been visiting and enjoying the Mojave Desert for over 20 years now and want to see it protected to the greatest extent possible. (Individual, Tucson, AZ – #M218)

I'm not a rancher nor do I ride or drive a jeep or whatever; but I love the desert. I urge you to hold firm in protecting its special & very fragile beauty. (Individual, Altadena, CA – #M20)

### PC #: 68

#### **Public Concern: The CDCA Plan Amendment should consider the complete Reserve as critical habitat.**

COMPLETE RESERVE (DON'T CALL IT DWMA!) PROTECTION FOR ALL CRITICAL HABITAT IDENTIFIED IN THE 1994 DESERT TORTOISE RECOVERY PLAN—The preferred alternative does cover a large portion of the identified critical habitat but not all. We feel all should be protected and this should be presented in an alternative. If further scientific studies determine that adjustments should be made in critical habitat: those adjustments should be made by the US Fish and Wildlife Service under whose responsibility the tortoise recovery is being conducted. (Preservation/Conservation Organization, Oakland, CA – #M76)

### PC #: 69

#### **Public Concern: The CDCA Plan Amendment should provide protection and management for botanically unique regions within the NEMO area.**

In Sections 3.1.2, we appreciate the identification of the “sky islands” of the Clark, Kingston and Mesquite Ranges and other botanically rich areas. However, we see little in the management proposals that provides protection for botanically unique areas. Conservation measures to protect the unique regional resources should be thoroughly identified and discussed. (Preservation/Conservation Organization, Sacramento, CA – #M62)

### PC #: 70

#### **Public Concern: The CDCA Plan Amendment should fully protect and restore native biodiversity within the NEMO area.**

The DPC believes that the Federal listing of the desert tortoise and of several plant species, along with concern about the status of several bat species' is an indication of the state of health of the entire Mojave Desert ecosystem. Our concern is that when any species is in trouble, there are other species intimately connected to the threatened or endangered species whose own existence will be jeopardized should the listed species crash. Over the years in our California deserts, more and more species are in decline. Therefore, the DPC supports the BLM's alternative that affords the highest level of protection throughout the Northern and Eastern Mojave Planning area. We conditionally support Alternative Two in this NEMO document. We do not support the BLM's “Preferred Alternative”, as it does not provide for protection and restoration of our biodiversity on the people's public lands and does not include protections necessary to implement recovery of the desert tortoise, as recommended in the DT Recovery Plan. (Preservation/Conservation Organization, San Diego, CA – #M61)

I value the desert habitats in the NEMO area. I urge BLM to fully protect and restore native biodiversity on these public lands. (Individual, Berkeley, CA – #M58)

The Center and its members value the Mojave Desert public lands within the NEMO Plan area and urge BLM to fully protect and restore native biodiversity there. (Preservation/Conservation Organization, Tucson, AZ – #M71)

As responsible human beings, it is important to keep our desert ecosystems intact as much as possible. We need to let the natural processes continue so other bio-forms may live their lifecycle without human interference.

(Individual, Santa Clara, CA – #M50)

**PC #: 71****Public Concern: The CDCA Plan Amendment should uphold all current Multiple Use Classifications.**

Chapter 3: Affected Environment. 3.13.6. Released Wilderness Study Area, MUC Multiple Use Class Proposals: In general, all MUC classifications should be left as is instead of restricting them further. Surprise Canyon: No mention is made of the fact that this is a long-standing vehicle route since the 1870s and a favorite 4WD destination. This should be explicitly mentioned and continued access should be incorporated as part of any plan concerning this area. It is understood that the BLM has agreed under pressure from a lawsuit by a certain extreme “environmental” organization to put a gate across this road. This is an outrageous miscarriage of justice and should be reversed at the earliest opportunity. Dumont: The 27 newly discovered cultural resource sites appear to have survived well until now. Please do not attract attention to them by declaring a special zoning for this area. Avawatz: Here a mysterious statement about recent work that has discovered new sensitive resource values, of an undisclosed nature, is used to justify further restriction of the area’s status. This is no reason to apply further blanket restrictions to an area rich in mining and recreation values. Mesquite Spring: This delightful and remote area does not need further restriction. It is misleading to state that it is affected by the Razor OHV area, since the Union Pacific railroad lies between the two areas and no direct vehicle crossing exists between the two. (Individual, Mill Valley, CA – #M31)

**PC #: 72****Public Concern: The Final EIS should address the percentage of surface area impacted by vehicle routes within the affected desert environment.**

In the affected area, vehicle routes occupy well under 1% of the surface area. They are like a needle in the haystack of the vast surrounding desert environment. It is inconceivable that this minute fraction of the overall area can seriously endanger the overall health of the region’s plants and animals. In all sections of the plan, this perspective should be remembered and explicitly stated wherever assertions are made about impacts of roads. As presently written, the extremely localized impacts of roads and vehicles are described without such perspective, often making it sound as if the effects are universal. (Individual, Mill Valley, CA – #M31)

**PC #: 73****Public Concern: The Final EIS should acknowledge potential negative effects of foot travel on habitat.**

Since the alleged habitat damage due to vehicles is repeated endlessly throughout the report, equal mention should be repeated just as often of the potential negative effects of visitors on foot. These favored visitors are much more likely to leave established trails, crush and break vegetation, trample biological soil crusts, camp near and rely on water from springs and other water sources, deposit human waste and toilet paper, leave litter behind rather than carrying it out, spread weeds to areas far from roads, forage and burn local wood, be unable to extinguish fires, and be more difficult to find and rescue in emergencies. (Individual, Mill Valley, CA – #M31)

**PC #: 74****Public Concern: The CDCA Plan Amendment should designate and enforce travel routes within NEMO to meet ecological standards and restrictions.**

Motorized routes in the entire NEMO area should be designated through the plan. There should be no more than 18 miles/township on critical habitat, and 24 mile/township in other areas. These, or any other amount of designated routes, should be justified in the plan in ecological grounds, not on the desire of vehicle users. The amount of routes should be no more than what will not damage the land or the plants and animals. (Individual, Ridgecrest, CA – #M57)



Include the designation of travel routes as closed unless posted open, and keep ORVs out of sensitive areas such as washes. I have seen first hand the damage these toys have wrought across our desert landscapes. Enforcement of these prohibitions are necessary as well to make them a reality on the ground. (Individual, Davis, CA – #M53)

**PC #: 75****Public Concern: The BLM should conduct studies to establish credible evidence of vehicle route impacts on flora and fauna.**

Although many assertions have been made by anti-vehicular groups, nobody has shown that responsible use of existing roads causes significant overall environmental damage in dry desert areas. The primitive road network occupies well under 1% of any given desert area, and cannot possibly have a serious impact on the overall ecology of the region. There may be specific, isolated instances where a re-routing of a road would be desirable due to exceptional circumstances; these cases should be studied and acted upon appropriately. Ample opportunity has existed for many years (especially in the past 7 years since the creation of vast “Wilderness” areas) to conduct studies of similar areas with different primitive road densities to determine the existence and degree of any impact on flora and fauna. No such studies appear to have been done—perhaps because the results would undermine the ongoing effort by pressure groups to close more roads on the pretext of environmental preservation. (Individual, Mill Valley, CA – #M31)

**PC #: 76****Public Concern: The BLM should address the need of public access and use of lands within the NEMO area.**

What I’m concerned about is, like I said up there in the beginning about closing Rattlesnake Canyon and some of these other places out here in the desert, closing them off to the public and just getting us where a lot of old miners – there’s a lot more older than me around – that are making their living going out there prospecting and just about getting by the skin of their teeth. I say put everything back the way it was. Turn this land back to the people and take it back. The BLM wants to control – let them control the wilderness, right, not to take it away from the people itself. Give it back to freedom, where it belongs. That’s what my father – my great-grandfather came over to this country for, to get away from this dictator stuff. Now we’re bringing it right back again. Open it back up to the people again. (Individual, No Address – #M315)

I’m opposed to any actions taken that will close off any more sections of the desert that has not already been closed off. Over the number of years I’ve been here, which is about 18 years, I’ve seen the California Desert Protection Act come in and remove a lot more land from the public use, and now these plans are being developed, Northern and Eastern Mojave plan, the plan that’s down south. You have two more plans coming up. I believe the public in general and the people who live in this area are very concerned that it’s a continuous land grab and that we’re no longer going to be able to go out there to enjoy the desert that we live in. and I think there needs to be some serious look at what’s happening out here. And that’s all I’ve got to say. (Individual, No Address – #M319)

There’s 3.3 million acres in question, 2.4 million acres for the public, and with the Mojave National Preserve, Death Valley Preserve and Fort Irwin and everything else that goes out there, we get such a small percentage to enjoy the desert as it is now. And with more and more closed—And no matter what area it is, you can find a reason to close it. It’s all critical habitat. It’s just—There’s got to be room for the public too. (Individual, No Address – #M352)

Once the studies (it doesn’t sound like you guys [BLM] know too much about what’s going on with the desert tortoise) are complete, some sort of finalization is done on this particular study, this is kind of a – I’m just going to throw it out here – are we ever going to get any of this land back? Are we going to see any of this land reopened? Let’s say you decide that Shadow Valley, there are no more tortoises any longer. For some reason, you know, God decided to take them all. They’re gone, extinct in this particular area. Are we going to] get that land reopened, or are we going to just hope that they all come back? (Individual, No Address – #M356)

You’re saying “preserve.” Most of it’s wilderness. You got preserve right there but wrapped around that preserve is wilderness. You got to say that, too, because that’s all closed off, too...That’s not open lands to us anymore like it used to be. (Individual, No Address – #M314)



**PC #: 77**

**Public Concern: The BLM should consider permanently retiring select grazing allotments within the desert environment.**

The Horsethief Springs, Pahrump, Valley View and Valley Well allotments, BLM's of the Hunter Mountain, and Kessler Springs allotments should be permanently retired from grazing. Supplemental feeding of livestock that graze on our desert public lands should cease. BLM's NEMO proposal fails to implement recovery plans for listed species in the area. BLM must take note that the ESA specifically requires that the Secretary not only develop recovery plans but also "implement" them. 16 U.S.C. 1533(f). (Individual, No Address – #M85)

**PC #: 78**

**Public Concern: The BLM should restrict car camping to previously disturbed sites to protect critical habitat.**

On critical habitat, car camping should be restricted to previously disturbed sites no more than 15 feet from designated routes. (Individual, No Address – #M85)

**PC #: 79**

**Public Concern: The BLM should address the issue of nuclear waste dumping within NEMO.**

PARDs 20,000 registered voters signed a petition to outlaw irresponsible nuclear waste dumping practices such as that at Molycorp Mine operated by UNOCAL Corporation at Mountain Pass within the NEMO planning area. UNOCAL plans to slurry spigot nuclear/radioactive waste on top of an existing leaking, plumbing radioactive/hazardous/chemical waste dump, 80 acres large. The "?-16" pond is a disaster and the County's solution to this disaster is to make it worse by putting a thin plastic liner over the top then dumping more radioactive/hazardous/chemical waste on top of it. The only guarantee is that the plastic liner WILL leak. Chemicals and elements are being brought into the processing plant/operation processed with existing radioactive elements with water being pumped from under BLM land and piped over BLM land. The operation has been out of compliance for years, the waste is plumbing down both sides of the mountain, the Water Board has no idea where the plume extends to but does not admit that the wells in the surrounding area are contaminated, that the plume reached under the freeway, into the National Preserve, sprawls out in the Ivanpah playa and has poisoned many waters in the area. Hazardous chemicals, radioactive elements, lead and lanthanides, all in the waste stream are a known human and environmental health risk. The waste stream is also air born as the dust and mist blows out over the adjacent elementary school and the desert and desert communities at large. (Preservation/Conservation Organization, Needles, CA – #M12)

**PC #: 80**

**Public Concern: The BLM should consider working with the local National Park Service on future management of Shoshone and Tecopa Landfill sites.**

The future management of the Shoshone and Tecopa landfill sites are of great interest to the NPS and Death Valley National Park (DEVA). DEVA has been using the landfill in Pahrump, Nevada for the past few years because the Shoshone and Tecopa landfill sites have not operated up to standard in the past. NPS would prefer to use nearby, well-operated landfill sites. In particular, the Shoshone landfill would be closest (60 miles) to Furnace Creek. Therefore, whether under BLM or county management, the Shoshone landfill will be an important element to park operations at DEVA. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 81**

**Public Concern: The BLM should address daily cover on landfills to deal with raven populations.**

I would like to see words added which would require daily cover on landfills and dealing with the raven issue. I don't think those specific words are in there, and that's ineffective in reducing the raven feeding. (Individual, No Address – #M361)

**PC #: 82****Public Concern: The CDCA Plan Amendment should require significant reduction of bat populations to restore balance to the ecology of the desert environment.**

While most of the proposals in the draft EIS are at least well intended, there are some that would positively damage the environment. Primary among these is the plan to further increase the population of subsidized bat species in the Silurian Hills and surrounding areas, which rely primarily on man-made mineshafts etc for roosting habitat and water sources. The bat populations need to be significantly reduced to restore natural balance to the ecology of the area. (Individual, Mill Valley, CA – #M31)

**PC #: 83****Public Concern: The Final EIS should detail the Public Land Health Standards proposed for the NEMO planning area.**

III. PROPOSED ACTIONS AND ALTERNATIVES A. Standards and Guidelines: 1. Logical Flaw Regarding the Consistency of Health Standards Based on the “Laws of Nature” Must Be Rectified. The EIS at page 2-3 says that a “single set of public land health standards will be applied desert-wide and to all resources and uses, and because they have their foundation in the physical and biological laws of nature, the laws are consistent regardless of the resource or use.” This statement, and the policy it describes, are broad and sweeping and completely without evidentiary support. There is no data indicating that one set of land “health” standards can be rationally applied to all areas of the desert, or to the uses made of those areas. Even if one were inclined to accept such a proposition, the EIS fails to list or otherwise describe these uniform Public Land Health Standards. And to assert that these standards are founded on the “physical and biological laws of nature” without identifying which “laws” are in play, is itself grossly “unscientific.” The last statement -that these “laws” of nature are constant regardless of the resource or use involved -is similarly devoid of evidentiary support. (Recreational Organization, Ridgecrest, CA – #M67)

## **Land Designations**

**PC #: 84****Public Concern: The BLM should develop sensible and objective criteria for special area protections.**

Alternative 2: “Develop criteria for each special area to protect sensitive resources therein” This provision appears sensible and logical, as long as blame for damage to “sensitive” resources is not automatically placed on roads and vehicles. (Individual, Mill Valley, CA – #M31)

**PC #: 85****Public Concern: The Final EIS should include detailed maps depicting the segments of streams considered for Wild and Scenic River eligibility.**

The final plan/EIS should include detailed maps of the eligible stream segments. The draft plan/EIS appendix that includes the narrative eligibility findings lack maps depicting the segment of streams considered. Without maps, it is difficult for the public to determine whether the proposed segment descriptions, potential classifications, and river corridor boundaries are accurate or appropriate. The final plan/EIS should include detailed maps depicting start and end points of each segment, potential classifications, the proposed river corridor, and other pertinent details such as existing roads, trails, structures, and land ownership. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 86****Public Concern: The CDCA Plan Amendment should address special designation of the Silurian Hills as an Area of Critical Environmental Concern.**

BATS IN THE SILURAIN HILLS-COMBINE: Alternatives 2 and 3: Desert Survivors supports a strong active program of conservation for the bat populations in the Silurian Hills. We are in favor of a special designation for this area with sensitive species. Neither Alternative 2 or 3 by itself is sufficient here. Lets get special designation at the level of an ACEC, not just a Habitat Management Planning Area. Its Multiple Use Class should certainly be



Limited. These fellow mammals deserve our best efforts. Limited reduced routing and designated camping area would help to minimize impacts from visitors. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 87**

**Public Concern: The Final EIS should include a comprehensive management plan for the Grimshaw Lake Natural Area.**

The NEMO document is deficient in not presenting a comprehensive plan for the maintenance and enhancement of the Grimshaw Lake Natural Area. The plan discusses the lake basin in but a passing way and then only in the context of the vole. You should be dealing with the complete ecosystem and not just one of its components. As you know, the vole is but one of the several Endangered or Threatened species of flora and fauna that are found in the lake basin. If the lake basin is viewed holistically it becomes obvious that there should be no introduction of humans into the Grimshaw Lake Natural Area via the Amargosa River Trail or any other project. If there is to be a trail people should hike on the paved road that goes through Tecopa Hot Springs. A lake (and its surrounding wetlands) in the desert is a rare thing and its flora and fauna should be completely undisturbed. Keep people out of the lake! (Individual, Tecopa, CA – #M9)

**PC #: 88**

**Public Concern: The CDCA Plan Amendment should implement the preferred Greenwater Canyon Deletion.**

2.8 Greenwater Canyon ACEC Deletion: The preferred deletion action here is sensible and should be adopted. (Individual, Mill Valley, CA – #M31)

**PC #: 89**

**Public Concern: The CDCA Plan Amendment should designate the Greenwater Canyon Road as Multiple Use.**

Chapter 3: Affected Environment, 3.13.7 Greenwater Canyon: This longstanding RS2477 road was illegally closed by the Park Service in the wake of the California Desert Protection Act. The small area to the northeast that is the subject of the present proposal should definitely be returned to Multiple Use. (Individual, Mill Valley, CA – #M31)

**PC #: 90**

**Public Concern: The CDCA Plan Amendment should remove Greenwater Canyon from Area of Critical Environmental Concern status.**

GREENWATER CANYON ACEC: Desert Survivors supports deletion of this remnant ACEC. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 91**

**Public Concern: The BLM should classify part of Greenwater Valley as multiple-use class Limited to protect Desert Tortoise habitat.**

NPS recommends a multiple-use class (MUC) of Limited for Greenwater Valley west of Shoshone and the area south of the Harry Wade Road at Highway 167. The Greenwater Valley area west of Shoshone is adjacent to the area of highest concentration of desert tortoise in DEVA, according to a 1999 park-wide NPS-contracted tortoise survey. Moreover, the area south of the Harry Wade Road at Hwy 167 provides very important scenic vista for the park, and is adjacent to the Amargosa River and the Salt Creek ACEC. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 92**

**Public Concern: The Final EIS should delineate specific route(s) of vehicular travel to the Dumont Dunes area while protecting natural resources and habitat.**

Designated routes of vehicular travel should be established for the Amargosa River corridor adjacent to the Dumont Dunes OHV Area. As previously mentioned, the status of vehicle use in the Amargosa River corridor in the vicinity

of the Dumont Dunes OHV Area is unclear. Is the river corridor open to unrestricted vehicle use or is it open to designated routes only? Is there any portion of this corridor that should be closed to vehicle use to protect natural resources? These questions are not apparently addressed in the draft plan/EIS. The final plan/EIS should delineate a specific route or routes to provide reasonable access to the Dumont Dunes OHV Area, while limiting vehicular travel within the river and riparian corridor to protect natural resources, particularly aquatic habitat for the sensitive Amargosa River pupfish and Amargosa Canyon speckled dace. The access road to the Sperry Wash OHV trail should be re-routed out of the river bed and multiple road crossings eliminated to protect aquatic and riparian habitat, as well as water quality. In addition, camping in the river bed should also be managed to protect habitat and water quality. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 93****Public Concern: The CDCA Plan Amendment should allow public use of Rice Valley Dunes, Ford Dry Lake, and Dumont Dunes.**

I would like to add that the Rive Valley Dunes and Ford Dry Lake Bed should not be closed. If there is no reason just because they are not used regularly should not be a reason to close them to public use. I was at the Ridgecrest public comment meeting on this plan and at that time I asked that Dumont Dunes NOT be considered for closing and I still feel that way, if anything please look for ways to open more areas up to public use. (Individual, Simi Valley, CA – #M82)

**PC #: 94****Public Concern: The BLM should evaluate the impacts of water diversion at Norak Camp.**

The water diversion at Novak Camp should be stopped and there should be no other schemes allowed involving dams or diversions in this beautiful canyon. (Preservation/Conservation Organization, San Diego, CA – #M61)

**PC #: 95****Public Concern: The BLM should consider retirement of Kessler Springs triangle and retention of Valley Wells, as they are both critical to desert tortoise habitat.**

The Implementation Strategy for Desert Tortoise Recovery needs to emphasize that the Kessler allotment (currently owned by the National Park Foundation) must be permanently retired. Kessler Springs triangle (currently owned by National Park Foundation) needs to be permanently retired. Valley Wells (in critical desert tortoise habitat) should not be allowed to transfer lessee. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 96****Public Concern: The BLM should consider fencing and maintenance of the Last Chance Allotment if it is continuous with the Mojave National Preserve.**

Is Last Chance (09008) allotment contiguous with the Mojave National Preserve? If so, we strongly recommend fencing and maintenance. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 97****Public Concern: The BLM should clarify designated land areas within NEMO.**

The general rule if someone is driving along and they see a place, they're driving along 127 or something and they see a place a mile off the road they'd like to go check out, they basically cannot just turn off the road and drive out there if it's not an established road? Is it considered Wilderness? What is the designation? Is it a checkerboard kind of designation, I mean, like as you've driving along the road here when you're not in a national park and you're in BLM land? (Individual, No Address – #M309)



**PC #: 98**

**Public Concern: The CDCA Plan Amendment should enlarge Areas of Critical Environmental Concern.**

I support a much larger ACEC in the Lower Carson Slough area, consistent with the Sept. 25 plan sent to BLM by Center for Biological Diversity and California Native Plant Society. (Individual, Berkeley, CA – #M58)

AMAROGOSA VOLE-LARGER ACEC NEEDED: Here the preferred BLM Alternative, #3, pulls back from the more complete protection alternative #2. Desert Survivors would like to see the larger 10,450-acre Amargosa River ACEC created. These conservation areas generally require larger rather than smaller surroundings to succeed. (Preservation/Conservation Organization, Oakland, CA – #M76)

CARSO SLOUGH ACEC—Desert Survivors supports the Preferred Alternative here. A larger area encompassing the two critical habitats, all of which would be under special management, would improve protection for these two species. As with all BLM ACEC, however, the only real protection is supplied by both strong protective written intent combined with effective consistent follow-through. (Preservation/Conservation Organization, Oakland, CA – #M76)

**Wild and Scenic Rivers**

**PC #: 99**

**Public Concern: The BLM should address how Wild and Scenic River designations will impact river crossings.**

The wild and scenic river designation will affect a number of river crossings on the Hesperia Wash project, which was done by the BLM. It will also affect the main access road to the Dumont Dunes recreational area, and my question is: How will the wild and scenic river designation affect these river crossings? (Individual, No Address – #M338)

**PC #: 100**

**Public Concern: The BLM should consider power generation proposals when defining Wild and Scenic River recommendations for the Panamint Valley.**

We would like to have the volumes of flow that are going into these 11 or 12 streams that are mentioned on the Panamint Range and Argus Range coming into the Panamint Valley. We would like to know what the flow rates are. And since you are talking about Wild and Scenic Rivers of the Panamint Stream, in essence, protecting that from damming that in the future. So we would like to know what we can dam in the Panamint Valley? What would be allowable for us to dam, to take water into the Searles Valley from the Panamint Valley? Having this data, that in combination with the recent lawsuit where they are trying to take off one of our historic water sources, that we have discontinued using—but now this option isn't here, because of the Inyo California towhee and the refusal of Ridgecrest to increase our water supply. If we build a power plant—which is critical for the energy situation here in California—we may have to pull that water from the Panamint Valley. And we need to know that data as an option. I am not speaking for the power plant people. I am just speaking for citizens of Trona. So at your meeting, I would like to see the data on the stream volumes specifically. And then I would like to know where we can dam, where you are going to allow us to dam, and maybe adjust the wilderness where it's suitable to dam. (Individual, No Address – #M329)

**PC #: 101**

**Public Concern: The CDCA Plan Amendment should classify the Amargosa River, Surprise Canyon and Cottonwood Creek as eligible for Wild and Scenic River designation.**

I support your finding for the Amargosa River, Surprise Canyon, and Cottonwood Creek as being eligible for inclusion in the National Wild and Scenic Rivers System. My comments are based on two things: one, sickness at the declining health of our wild areas, and two, my understanding of Wild and Scenic law. As enacted in 1964, the purpose of the Wild and Scenic system is to balance our policy of developing some rivers for human use with protecting others. These are rivers it makes sense to protect. It no longer makes sense to allow any and every activity



possible on public lands when the consequences to certain plants and animals are so severe. (Individual, Auburn, CA – #M83)

The NPS supports the designation of the Amargosa River for Wild and Scenic River status, including portions inside and adjacent to the park, and the designation of Wild and Scenic River status for Surprise Canyon, including portions inside and nearby the park. As a cooperating agency the NPS can provide detailed information to BLM both for the designation proposal and for analysis of the vehicular route. (U.S National Park Service, Oakland, CA – #M42)

We support the Wild and Scenic recommendation for the Amargosa River and Surprise Canyon. Where tamarisk is a problem, removal is important even when the minimum tool looks aggressive to the non initiated. Surprise Canyon is a place our members love. We want to share it with others and believe NEMO should help foster that. But, we would hate to see major change without careful forethought. It would be good to preserve the recreation experience via a Wild and Scenic designation. We care about the rest of the NEMO Planning Area too and urge the strongest preservation possible for ecological resources throughout. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

My family would like to support the BLM's eligibility finding for the Amargosa River, Surprise Canyon, and Cottonwood Creek. We are kayakers and hikers and care for the sustainability of these environments for future generations. (Individual, San Jose, CA – #M47)

The Sierra Club fully supports the full and highest possible status as Wild and Scenic Rivers and interim protection while the determination is being made for the Amargosa River, Cottonwood Creek and Surprise Canyon. (Preservation/Conservation Organization, Whittier, CA – #M77)

#### **PC #: 102**

##### **Public Concern: The Final EIS should delineate proposed river corridors for all eligible streams, and prioritize private lands for acquisition, exchanges, or scenic easement purchase.**

It is important to delineate the proposed river corridor boundaries in the final plan/EIS, since this determines which public lands will come under special management, as well as which private lands should be prioritized for willing seller acquisition or exchange. Although Wild & Scenic River corridors are often referred to as encompassing 1/4 mile on each side of a designated river, the corridors are actually an average of 320 acres per mile. The average allows corridors to be wider or narrower than the standard 1/4 mile boundary. Delineating the river corridor boundary should depend on several key factors, including the presence of outstanding values and other resources pertinent to the river, management emphasis, land ownership boundaries, and private lands prioritized for acquisition or exchange. Of course, the BLM could choose to adopt a uniform 1/4 mile boundary at this time, with the intent of adjusting it when and if the river is designated and a management plan is developed. If this is the process chosen, it should be noted in the final plan/EIS. All private lands within the proposed river corridor boundaries of eligible Wild & Scenic Rivers should be prioritized for willing seller acquisitions, land exchanges, and/or purchase of conservation easements. Where acquisition or exchange of private land is not feasible, conservation easements should be purchased to ensure protection of river values from inappropriate riverside development. (Preservation/Conservation Organization, Sacramento, CA – #M74)

#### **PC #: 103**

##### **Public Concern: The Final EIS should clarify the Amargosa River descriptions to better define segment starts and endpoints and to provide appropriate and accurate segment classification.**

The segment descriptions for the Amargosa River are poorly defined. According to the draft plan/EIS appendix, the river is divided into three segments, defined as Shoshone to Tecopa, Tecopa to Sperry Siding, Sperry Siding to Highway 178. This is an adequate general description, but a more detailed description is required, particularly to ensure appropriate and accurate classification. For example, the Tecopa to Sperry Siding segment is proposed for Wild classification. However, the general segment description may include structures and roads in the vicinity of Tecopa, as well as the Sperry Wash OHV trail at the lower end of the segment. Both situations are inappropriate for a segment proposed for Wild classification. Friends of the River recommends the following more detailed segment descriptions: Segment 1 – 100 feet downstream of the Highway 178 crossing to 1/2 mile downstream of the Old Spanish Trail crossing. Segment 2 – 1/2 mile downstream of the Old Spanish Trail Highway crossing to the southern



boundary of the Kingston Range Wilderness. Segment 3 – Southern boundary of Kingston Range Wilderness to 100 feet upstream of the Highway 127 crossing. The start point of the potential Wild & Scenic River is precisely defined and the segment descriptions permit maintenance activities and potential roadway realignments for Highway 178 and 127, as well as the Old Spanish Trail Highway. These more precise descriptions also avoid placing existing roads and structures in Tecopa, as well as the Sperry Outwash OHV trail, in a segment proposed for Wild classification. (Preservation/Conservation Organization, Sacramento, CA – #74)

**PC #: 104****Public Concern: The Final EIS should include a suitability study of the Amargosa River, Surprise Canyon, and lower Cottonwood Creek.**

The BLM should complete the Wild & Scenic River suitability study and make a recommendation to Congress concerning the Amargosa River, Surprise Canyon, and lower Cottonwood Creek as part of the final NEMO plan EIS. The BLM deserves credit for taking the initiative to conduct an eligibility study of these unusual desert streams. However, the agency should also complete the required suitability study and make a recommendation to Congress in the final EIS and plan. Chronic budget and staffing problems will make completing the suitability study much more difficult in a subsequent planning process. The BLM should take advantage of the current planning process and high level of public interest to complete the suitability study and make a recommendation to Congress in the final plan and EIS. (Preservation/Conservation Organization, Sacramento, CA – #M74)

Please move forward with the study process and complete the suitability study in your final environmental report and recommend to Congress that all three streams be added to the National Wild & Scenic Rivers System. (Individual, Auburn, CA – #M83)

**PC #: 105****Public Concern: The BLM should eliminate motor vehicle use within the riparian area of Amargosa River.**

BLM recommends Scenic classification for a portion of the Amargosa River, wild designation for a second portion, and recreational designation for a third. We support this classification, but BLM should act to eliminate motor vehicle use within the riparian area. (Preservation/Conservation Organization, Washington, DC – #M66)

**PC #: 106****Public Concern: The BLM should reconsider the proposed Recreations classification for the portion of the Amargosa River Segment 3 downstream of the Dumont Dunes OHV Area access road.**

The proposed segment classifications for the Amargosa River generally seem appropriate. However, the BLM should reconsider the proposed Recreational classification for the portion of the Amargosa River segment 3 downstream of the Dumont Dunes OHV Area access road. It is unclear whether the immediate vicinity of the river adjacent to the OHV Area is open to vehicular use at this time. If the river corridor downstream of the Dumont Dunes OHV Area access road is restricted in terms of vehicular use, then the more appropriate classification for the portion of the segment from the access road to the Highway 127 crossing would be Scenic. Scenic reclassification of the river downstream of the access road crossing would not limit access to the Dumont Dunes OHV area. The portion of this segment where the OHV Area access road crosses the river, as well as the road that leads upstream to Sperry Wash, is appropriately classified as Recreational, since the road crosses the river several times. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 107****Public Concern: The BLM should acquire inholdings and conservation easements along the Amargosa River to protect the riparian corridor.**

The BLM should acquire inholdings and conservation easements along the river to protect the species that depend on the riparian corridor. (Preservation/Conservation Organization, Washington, DC – #M66)

I also support the BLM's intention to acquire private inholdings and conservation easements along the Amargosa River from willing sellers, in order to expand public ownership of the river corridor and protect critical habitat for



the Amargosa vole and other special status species. I would encourage the BLM to work with The Nature Conservancy in land acquisition efforts. (Individual, Long Beach, CA – #M64)

I think it's great that the BLM wants to buy out inholdings and purchase conservation easements along the Amargosa River. This will be a win-win situation for both the willing sellers and the Amargosa vole and other special status species. (Individual, Auburn, CA – #M83)

**PC #: 108****Public Concern: The BLM should consider a separate EIS for Wild and Scenic River designation of the Surprise Canyon area.**

I would like to comment on the Draft NEMO Management Plan/EIS, specifically the inclusion of the proposed designation of Surprise Canyon as a Wild & Scenic River (WSR). I believe that issues involving Surprise Canyon would be better resolved in a separate EIS for the following reasons: Beyond basic route designation, the Draft NEMO Management Plan/EIS does not look at the Surprise Canyon designation in sufficient detail. It would be more appropriate to address all of the issues involved in a separate Environmental Impact Statement (EIS). As you know, the temporary closure of Surprise Canyon has resulted in significant public interest and controversy and I understand BLM is planning an EIS for Surprise Canyon. The EIS process will provide the public more opportunity to look at the route in more detail. BLM will be required to look at a full range of alternatives for the long-term management of Surprise Canyon, including the proposed WSR designation. Moving forward at this time with the proposed WSR designation in the draft NEMO Management Plan could undermine the public process and forgo planning options examined in the Surprise Canyon EIS as it may result in the possible removal of proposed alternatives. A separate decision, based solely on the Draft NEMO Plan could set a management direction which would be better considered and examined in the EIS. The Draft NEMO Management Plan singles out Surprise Canyon for WSR designation without fully examining other rivers in the Panamint Range as required in the Resource Management Plan and as would be required in a separate EIS. There are a number of rivers in the Panamint Range, including Surprise Canyon, which could be proposed for WSR designation; however, there is no discussion of these rivers in the Draft NEMO Plan. In addition, at this time, BLM is lacking sufficient resource documentation to support the proposed "scenic" designation in the upper part of the Canyon, from Chris Wicht Camp to Death Valley National Park. Because BLM has not reviewed the other rivers, the full range of designations under the Wild & Scenic Rivers Act (wild, scenic and "recreational") cannot be fully evaluated for Surprise Canyon. The Draft NEMO Management Plan/EIS identifies what segments of surprise Canyon meet eligibility criteria for WSR designation and the potential classification of those eligible segments. However, it fails to address the fact that in the Wilderness Act of 1994, Congress specifically identified Surprise Canyon as a travel corridor. This designation is in direct conflict with the "scenic" designation as proposed in the Draft NEMO Management Plan/EIS. A separate Surprise Canyon EIS will be required to look at a range of alternatives in an effort to decide the appropriate use and management of the road. Until the conflict over "proper use" can be determined through this EIS, I believe it is inappropriate to move forward with the proposed "scenic" designation. (Individual, Ross, CA – #M21)

**PC #: 109****Public Concern: The CDCA Plan Amendment should classify the upper section of Surprise Canyon as Wild instead of Scenic.**

Surprise Canyon upstream of the Chris Wicht Camp should be classified as Wild instead of Scenic. Although this portion of Surprise Canyon formerly was a vehicle route, it has been washed out by floods. Vehicles attempting to drive upstream of the Camp must winch themselves up and over cliffs – the route can hardly be defined as a road. Indeed, the route has now been closed to vehicle travel to protect natural resources. Based on this closure, the more appropriate classification for the segment is Wild. (Preservation/Conservation Organization, Sacramento, CA – #M74)

The upper 4 miles of Surprise Canyon (Novak camp to the Death Valley National Park boundary) should be designated wild. The lower canyon should be designated scenic. Motor vehicles should be permanently banned in Surprise Canyon. The water diversion at Novak camp should be stopped now. (Preservation/Conservation Organization, Tucson, AZ – #M71)

Please consider classifying the upper four miles of Surprise Canyon as wild, thereby making permanent the current prohibition on motor vehicle use in the stream to protect wildlife habitat. (Individual, Auburn, CA – #M83)



**PC #: 110**

**Public Concern: The CDCA Plan Amendment should permanently close Surprise Canyon to vehicle traffic to protect sensitive aquatic habitat.**

Desert Survivors is very much in favor of these areas getting full status as Wild and Scenic Rivers. It is especially important to protect them fully while the determination is being made. During this period the current closure of Surprise Canyon to vehicle traffic should continue. We would like to see it be closed permanently. Vehicle usage through this sensitive aquatic habitat is inexcusable. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 111**

**Public Concern: The BLM should evaluate the impacts of water diversion on aquatic and riparian habitat in Surprise Canyon.**

Water diversions from Surprise Canyon should be reduced or eliminated to protect instream flows. An existing water diversion from surprise Canyon significantly reduces instream flows, with corresponding impacts on aquatic and riparian habitat. This diversion is reportedly considerably more than is allowed under current use permits and existing water rights. The diversion should be eliminated or at least significantly reduced to restore instream flows in Surprise Canyon. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 112**

**Public Concern: The BLM should conduct a scientific watershed analysis on Surprise Canyon.**

I think the watershed analysis on Surprise Canyon should be more scientifically studied than what's been done. (Individual – #M346)

**PC #: 113**

**Public Concern: The CDCA Plan Amendment should classify lower Cottonwood Creek as Scenic.**

The more appropriate classification for lower Cottonwood Creek is Scenic. Although a four-wheel drive route follows and occasionally crosses the creek, this route is sufficiently primitive to meet scenic standards. Scenic classification of lower Cottonwood Creek would complement and extend the Scenic classification now applied to the upstream National Forest segment of Cottonwood Creek. (Preservation/Conservation Organization, Sacramento, CA – #M74)

Please consider classifying all of lower Cottonwood Creek as scenic. The existing vehicle trail along the creek meets scenic standards and would be allowed to remain, and scenic classification of the lower river would complement the scenic classification of the upstream national forest segment. (Individual, Auburn, CA – #M83)

**PC #: 114**

**Public Concern: The BLM should clarify the end point of lower Cottonwood Creek and mark such location.**

The end point for the lower Cottonwood Creek needs to be better defined. Currently, the end point for the eligible segment of lower Cottonwood Creek is defined as the Canyon Entrance. This point is subject to interpretation. On a recent trip to lower Cottonwood Creek, I was unable to determine precisely where this end point was located. A more precise end point locatable on the ground should be delineated. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 115**

**Public Concern: The BLM should assess vehicular route crossings in lower Cottonwood Creek to avoid adverse impacts to the environment.**

Vehicular route crossings of lower Cottonwood Creek should be eliminated or reduced. Excessive erosion and sedimentation, degradation of water quality, and adverse impacts on riparian habitat is occurring where the vehicle

route crosses lower cottonwood Creek. The vehicle route should be moved away from the stream to avoid or reduce crossings, or the route should be closed altogether to avoid adverse impacts on water quality, riparian habitat, and other outstanding values. (Preservation/Conservation Organization, Sacramento, CA – #M74)

## **Wilderness, Recommended Wilderness, and Released Wilderness**

### **PC #: 116**

#### **Public Concern: The CDCA Plan Amendment should adhere to Federal statutes pertaining to wilderness designations within NEMO planning area.**

AREAS PROPOSED FOR INCLUSION CANNOT BE DESIGNATED : The areas targeted for protection, in the NEMO, are those not already designated as Wilderness. They are those areas categorized by RARE II as “Wilderness”, “Nonwilderness” or, “Further Planning”, which have not been designated as a wilderness area and, which have not been included in the National Wilderness Protection System, (the “NWPS”), by Congress. (State of California v. Block (C.A.9 1982) 690 F.2d 753 at 758). . . . Congress expressly provided that Further Planning areas in California, not listed in the California Wilderness Act of 1984, are to be managed for multiple use (PL 98- 425, September 28, 1984, 99 Stat 1619, SEC. 111(b)(4)). Accordingly, only Further Planning areas in California, listed in the California Wilderness Act of 1984, could be planned for in any proposed unit management plans. As such, Further Planning areas cannot therefore be included in this rule-making project, NEMO. Areas categorized as Nonwilderness and as Wilderness which were not included in the NWPS but reviewed, in California, are to be “managed for multiple use” (PL 98- 425, September 28, 1984, 99 Stat 1619, SEC. 111(b)(4)) As such, areas categorized as Nonwilderness or Wilderness, in California, cannot therefore be included in this rule-making project, NEMO. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

### **PC #: 117**

#### **Public Concern: The BLM should implement a management plan regarding the Wilderness portion of the NEMO area.**

WHAT ABOUT WILDERNESS MANAGEMENT AND PLANNING? -A large portion of the NEMO planning area is wilderness. You have seven years to begin a planning effort regarding management for these areas. If you don't start to deal with the issues in a major section of your responsibility soon, you will be playing catch-up again. Things will develop and hasty decisions will be made under circumstances of expediency, not long-term benefit. Desert Survivors would at least like to see a commitment to start this process with a timeline attached. You are going to have to deal with the route designation, let's deal with wilderness as well. (Preservation/Conservation Organization, Oakland, CA – #M76)

### **PC #: 118**

#### **Public Concern: The BLM should not create or expand wilderness areas or de facto wilderness areas.**

Effectively, by these amendments, NEMO, the BLM is proposing to set aside new areas to be protected as if they were wilderness. Hence, they are, essentially, proposals for inclusion of new areas into the National Wilderness Preservation System. And, as a proposal for inclusion of new areas into the National Wilderness Preservation System, it is a further statewide review and evaluation. Such further statewide review and evaluation, in BLM lands within the State of California, is expressly prohibited, unless expressly authorized by Congress (PL 98-425, September 28, 1984, 99 Stat. 1619, SEC. 11(b)(6)). Congress has not expressly authorized this rule-making, NEMO, for BLM lands in the State of California. As Congress has not expressly authorized this rule-making, NEMO, for BLM lands in the State of California, this rule-making project, NEMO, cannot therefore be processed. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

### **PC #: 119**

#### **Public Concern: The BLM should reduce or eliminate grazing in wilderness if ecosystems are being damaged.**

Wilderness values must also be protected—grazing must be reduced or eliminated if wilderness ecosystems are being damaged by grazing. If grazing must be reduced in one part of a wilderness, then range improvements may not



be constructed in another part of wilderness to support more grazing there. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

**PC #: 120**

**Public Concern: The CDCA Plan Amendment should protect released Wilderness Study Areas.**

Section 2.7—Released WSA's should be given the highest protection possible. Maximize the amount of Class L, and minimize the amount of Class M. (Individual, Ridgecrest, CA – #M57)

Remnant WSAs should be given the highest degree of protection possible, i.e., should still be considered as WSAs where IMP regulations still apply. Most are still wilderness quality, and natural values should be protected. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

**PC #: 121**

**Public Concern: The CDCA Plan Amendment should classify all lands released from Wilderness Study Areas as Limited Use.**

CLASSIFY ALL LAND RELEASED FROM WSA STATUS LIMITED: Desert Survivors feels that all prior WSA lands should be classified LIMITED USE. BLM Alternative 3 includes most of these lands as Limited, but we feel the Avawatz, the Silurian, and Dublin Hills area should also be Limited Use. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 122**

**Public Concern: The BLM should return released Wilderness Study Areas to full multiple use status.**

With the designation of 40% of the NEMO area as "Wilderness," the released Wilderness Study Areas should revert to full multiple use status. Alternative 1 (No Action) is the only sensible and justifiable choice here. The "preferred" alternative restricts unnecessarily the majority of these areas with very weak to non-existent justification. No more than a few sentences here [section 2.6] and in other report sections is devoted to the reasons for severe restrictions proposed for each affected area. In nearly every case the "preferred" alternative unnecessarily replaces the current Multiple Use Class listing with a more severe restriction, placing arbitrary limitations on roads, visitation and mining access, contrary to accepted principles of Wilderness Study Area management and release. Once again dispersed recreation, exploration and solitude values are ignored. Similarly ignored is the intention of Congress that no buffer zones are intended to exist adjacent to Wilderness areas. (Individual, Mill Valley, CA – #M31)

## **Desert Wildlife Management Areas**

**PC #: 123**

**Public Concern: The CDCA Plan Amendment should expand Desert Wildlife Management Areas within NEMO.**

BLM proposes too small Desert Wildlife Management Areas not consistent with the Desert Tortoise Recovery Plan. DWMA should at least be 1000 sq. miles (DT recovery plan, II.A.5). Since NPS has failed to designate any DWMA's on the Mojave NP, BLM must expand DWMA size within NEMO. (Preservation/Conservation Organization, Tucson, AZ – #M71)

**PC #: 124**

**Public Concern: The BLM should evaluate ground disturbance in Desert Wildlife Management Areas.**

Ground Disturbance in DWMA: The FWS Recovery Plan calls for withdrawing the Ivanpah DWMA from mineral entry. The present programmatic mining consultation covers no more than 10 acres of disturbance at a time. Given these two facts, we strongly oppose increasing programmatic coverage for disturbance to 100 acres. Even small new disturbances could have drastic impacts depending on their location and other factors. NEMO should not reduce protection below the present level. (Preservation/Conservation Organizations, Riverside, CA – #M46)

**PC #: 125****Public Concern: The BLM should reevaluate the policy to eliminate any disturbance causing activities within Desert Wildlife Management Areas.**

The County questions the proposed policy that would eliminate any disturbance causing activities within the Desert Wildlife Management areas (DWMAs) for an eight month period. The County believes that it would be appropriate to modify this policy to allow activities which can be adequately mitigated without causing unavoidable significant impacts to proceed. (Representative for the San Bernardino County, San Bernardino, CA – #M72)

**PC #: 126****Public Concern: The BLM should work with the Mojave National Preserve on adjoining Desert Wilderness Management Area.**

The BLM proposal to designate DWMAs in fulfillment of the Recovery Plan cannot be done alone. The DWMAs proposed by BLM in the planning area are only parts of DWMAs that lie largely within the NPS-administered Mojave National Preserve. We endorse the premise stated in the DEIS that “the strategies BLM has identified can meet recovery goals ONLY if recovery strategies are also adopted by the Mojave National Preserve” (Page 5-3). If only the BLM portion of the DWMA is designated, the DWMAs will be too small to meet the design criteria of the Recovery Plan. In all fairness, the BLM will not be liable for this failure, if the NPS ignores the key recommendations of the Recovery Plan and fails to designate at least one DWMA, i.e. the Ivanpah or the Piute-Fenner. We await the release of the Final General Management Plan and EIS for Mojave National Preserve. While we await the pending NPS plan for Mojave to see if it will satisfy the key strategies of the Tortoise Recovery Plan, NPCA notes that the BLM proposal (Alternative 5) is unsatisfactory on its own merits. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 127****Public Concern: The BLM should fully withdraw all mining activities in Desert Wildlife Management Areas and Areas of Critical Environmental Concern.**

Ground Disturbance in DWMAs: There should be a full mineral withdrawal in all DWMAs. The lack of mining now is no assurance of no mining in the future and we must look ahead 50 years. All ACECs that would be disturbed by mining activity should have full mineral withdrawals. (Preservation/Conservation Organization, Sacramento, CA – #M77)

## **Land Acquisitions**

**PC #: 128****Public Concern: The Final EIS should reflect changes to the Catellus land acquisitions within the NEMO planning area.**

Figure 1: This figure is out of date. All lands formerly owned by Catellus are now under federal ownership. NPS can provide an updated lands layer for BLM’s use in correcting the status of lands in Mojave National Preserve. The Catellus acquisition is a large ownership change that should be reflected on all the maps included in the NEMO. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 129****Public Concern: The BLM should not dispose or release any public land within NEMO.**

We do not support disposal or release of any public lands within the NEMO area. (Preservation/Conservation Organization, San Diego, CA – #M61)

We do not support disposal or release of any public lands within the NEMO area, unless it is in the form of an exchange that can be shown to prominently benefit T&E species or riparian habitats, as analyzed through an EIS. (Preservation/Conservation Organization, Tucson, AZ – #M71)



No public lands should be disposed of. Land exchanges should only be used where acquisition of fee title or conservation easements is not feasible. No public lands that support important public resource values should be exchanged. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 130**

**Public Concern: The BLM should have legal justification before any disposal or release of public lands.**

If there is any disposal or release of public lands in the NEMO area, there must be an EIS on these which demonstrates that they are in the public interest, and that they follow the law. (Individual, Berkeley, CA – #M57)

**PC #: 131**

**Public Concern: The BLM should support acquiring private lands with occurrence of sensitive plant species.**

Several alternatives support land tenure adjustments to reach conservation goals for a variety of species. CNPS strongly supports maintaining all public lands that have sensitive plant occurrences on them in public ownership. Additionally, areas for acquisition should include occurrences of sensitive plant species on private lands, from willing sellers. These actions need to be included in the final document as they support the conservation goals for sensitive plants. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 132**

**Public Concern: The BLM should clarify the acquisition of private property within the NEMO planning area.**

BLM FAILED TO DISCLOSE TAKE OF PRIVATE PROPERTY: NEMO proposes to designate areas for wildlife protection without reservation for valid existing rights. The owners of all private property, including all unpatented mining claims within the subject BLM lands, can presume that this project, NEMO, is therefore a proposal to take their properties or interests therein. Extinguishing the title to an unpatented mining claim constitutes a taking of private property. (Takings Clause of the U.S. Const.; 30 USCA section 53) BLM is required to disclose their proposed taking of private property, including the proposed take of any unpatented mining claims, in their proposed actions or in their proposed policies; i.e. management strategies. (Executive Order No.12630) Additionally, prior to proposing any take, the BLM is required to provide a declaration of taking. (40 USCA section 258a) Here, BLM has failed to disclose their proposed take of private property, failed to disclose their proposed take of unpatented mining claims, and failed to provide a declaration of taking. For these failures, the NEMO DEIS is wholly inadequate as an informative document and, as such, it cannot therefore be processed. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 133**

**Public Concern: The BLM should collaborate with Inyo County and affected property owners on the development of any management standards for any private lands, unpatented mining claims, BLM leases or special use permits within the county.**

The yet to be completed statutory Section 7 consultation with the U.S. Fish and Wildlife Service should include permitting under Section 10A of the Endangered Species Act of privately owned land intended for sale or exchange under the Proposed Action as part of a comprehensive impact analysis. Inyo County and affected property owners should be included in the development of any management standards for proposed Areas of Critical Environmental Concern (ACEC's) and critical habitat designated under the Endangered Species Act for any private lands, unpatented mining claims, BLM leases or special use permits within the County. (Representative for the Inyo County Board of Supervisors, Independence, CA – #M37)

**PC #: 134****Public Concern: The BLM should allow third party acquisitions with permanent retirement, in particular where lands boarder the National Park Service.**

BLM should allow third-party acquisition with permanent retirement – in particular, where boundaries are contiguous to NPS lands. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 135****Public Concern: The BLM should consider proposed land acquisitions within the NEMO area.**

For land tenure adjustment purposes, the BLM identifies that it will seek to acquire CSLC's lands within several proposed Desert Wildlife Management Areas (DWMA's). These lands would be in addition to those under consideration for exchange under the California Desert Protection Act (CDPA) program currently underway between the BLM and the CSLC. The CSLC has over a hundred thousand acres of school lands remaining within the boundaries of the California Desert Conservation Area targeted to be acquired by the BLM under the CDPA. The CSLC hold these school lands in trust for the benefit of the California State Teachers' Retirement System. BLM proposes to accomplish the newly proposed acquisitions through purchase, donation, or exchange. The CSLC would consider the exchange of its lands, on a case-by-case basis, within the DWMA's after appropriate appraisal of the surface and mineral estates are completed and if determined that disposal of these lands would be in the CSLC's best interest. For clarification purposes, CSLC would not be in a position to donate its school lands to the federal government. Therefore, acquisition would need to be accomplished through purchase or exchange with exchange being the preferred method of the SCLC. The BLM is reminded that the CSLC is prohibited from disposing of its mineral estate under direct sales. From the maps provided with the NEMO plan, we could not determine the total number of State school land parcels or acreage that the BLM may seek to acquire. More detailed maps and a list identifying these lands would be helpful. Has the BLM compiled such a map or list? (California State Lands Commission, Sacramento, CA – #M63)

**PRESENT PRIVATE OWNERSHIP :** Gerald Freeman (FREEMAN) and/or corporations controlled by him presently own 3 parcels of land in the Ivanpah Valley: Parcel "A" an 80 acre parcel which includes the town of Nipton, California and lies outside of the Mojave National Preserve (MNP); Parcel "B" a 40 acre parcel lying within the MNP and lying within relatively heavy density critical desert tortoise habitat; and Parcel "C", a 160 acre parcel lying within the MNP and also within the heavy density critical desert tortoise habitat. The attached map reflects each of these parcels. **BACKGROUND (u):** Freeman has owned parcels A, B and C for more than ten years. Earlier this year he began planning to develop a tented cabin camp and conference center on parcel "B". FREEMAN has been advised his development is inconsistent with the proposed general plan for the MNP and the Park Service suggested that FREEMAN consider a land swap, taking land in the vicinity of Nipton, or elsewhere. (Individual, Nipton, CA – #M89)

The Plan proposed acquisition of private lands within San Bernardino County. Neither the Plan nor the EIS clearly identify the amount of private land within the County that is proposed for acquisition. These data should be displayed and discussed in the final documents. (Representative for the San Bernardino County, San Bernardino, CA – #M72)

**CREATE AN AGGRESSIVE LAND ACQUISITION PROGRAM FOR PRIVATE LANDS WITH IN THE RESERVES.** (Preservation/Conservation Organization, Oakland, CA – M#76)

**SHOSHONE AND TECOPA LANDFILL TRANSFERS:** Desert Survivors supports these land transfers. (Preservation/Conservation Organization, Oakland, CA – #M76)

The Plan appears to reaffirm the availability of public land immediately surrounding the community of Baker for disposal to support future community expansion. The County supports this policy. (Representative for the San Bernardino County, San Bernardino, CA – #M72)



**PC #: 136**

**Public Concern: The BLM should collaborate with Inyo County on any release of property, including the Tecopa and Shoshone landfills.**

Any release of BLM property alluded to in said documents, including the Tecopa and Shoshone landfills, should be subject to collaboration and approved by Inyo County. (Representative for the Inyo County Board of Supervisors, Independence, CA – #M37)

## **Soil, Water, and Air Quality Resources**

**PC #: 137**

**Public Concern: The Final EIS should consider mitigating effects of soil compaction within the vehicle use impact analysis.**

Vehicle use in most desert conditions (particularly on roads in reasonably flat and rolling terrain) tends to compact and stabilize, rather than loosen and erode, the sandy and gravelly soils found in the region. In hilly or mountainous terrain, the roads tend to be rocky and not subject to significant erosion at all. Once again, the discussion ignores the overall perspective that primitive roads take up such a microscopic fraction of the land surface. Anyone who has driven along a typical dry, stable, compacted dirt, sand or rocky desert road will have a difficult time reconciling his experience and observations with the ominous statements in the EIS about soil erosion. With some exceptions, most desert dirt roads are relatively inert, compacted and stable, and are minimal contributors to the dynamic ongoing process of erosion. It is difficult to believe that any residual erosion caused by vehicular use *on existing roads* is a significant overall problem for the area under discussion. . . . (Individual, Mill Valley, CA – #M31)

**PC #: 138**

**Public Concern: The Final EIS should evaluate soil erosion and air quality impacts caused by concentrating vehicle use to a fewer number of roads.**

One factor that might be profitably considered here, however, is the *negative impact of reducing generalized dispersed recreation*. If the plan is implemented as proposed, the light traffic of general dispersed recreation will be eliminated while the traffic on the few remaining roads will be much heavier. Since these few remaining roads tend to be more major, semi-maintained routes supporting higher speed traffic, they produce far more dust than the dispersed, slower routes. If implementing the suggested closure plan has any effect on erosion, dust and air quality, it is likely to be negative rather than positive. (Individual, Mill Valley, CA – #M31)

**PC #: 139**

**Public Concern: The CDCA Plan Amendment should establish guidelines for evaluating the significance of soil sedimentation impacts resulting from natural and unnatural disturbances.**

Guidelines need to be developed to help determine if perceived impacts are significant or insignificant. All measures of perceived impacts should be compared to natural levels of activities over the course of time to test for significance. A significant difference (sense of magnitude required) must be required before a perceived impact can be identified as significant. For example, the lack of adequate policy and implementation of fire management practices has lead to many catastrophic fires. The sedimentation resulting from these fires should be measured and compared to all OHV activity in the forest. The results will demonstrate that the rate of sediment resulting from fires is thousands of times that of all OHV activity in the forest. The determination of the natural rate of sedimentation over the course of time will also demonstrate that the natural rate of sedimentation is many times that of all OHV activity in the forest. These are examples of the sense of magnitude and big picture view that must be exercised when evaluating impacts in the document and decision-making. (Recreational Organization, Helena, MT – #M73)

**PC #: 140**

**Public Concern: The Final EIS should include an objective or numerical landmark to facilitate soil infiltration and permeability rate determinations.**

Soil Infiltration and Permeability Rate Standard. The regional standard for soil requires that soils exhibit infiltration and permeability rates appropriate to soil type, climate, geology, land form and past uses. The standard should include an objective or numerical landmark by which one can determine whether the soil infiltration and permeability rate is appropriate. (Recreational Organization, San Diego, CA – #M67)

**PC #: 141**

**Public Concern: The Final EIS should not include references to potential future increased erosion along designated routes.**

Chapter 4: Environmental Consequences 4.9.1. Alternative 1: Impacts to Soil, Water and Air Resources: There is a good statement here admitting that impacts “within the confines of the now existing route are relatively small.” Towards the end of this paragraph, however, for some reason the tone is changed to speculation that “though accelerated erosion could occur on many in the future.” There is no reason to think this at all, particularly with the generally increased restrictions imposed by all alternatives in this plan; this statement should be deleted. (Individual, Mill Valley, CA – #M31)

**PC #: 142**

**Public Concern: The Final EIS should include supporting data for the conclusion that vehicle fuel leaks will impact water quality.**

The statement that “OHV impacts to water quality may result from increased turbidity and contamination from leaking fuel oils” needs qualifying by the fact that any such leakage is extremely small and unlikely to realistically affect water quality at all. (Individual, Mill Valley, CA – #M31)

**PC #: 143**

**Public Concern: The Final EIS should provide a rationale for closing dry lakebeds to motorized access.**

It is not clear why 4 out of the 6 lakebeds in the area should be closed. Hardly any dry lake areas are open to vehicles in California. Dry lakebeds cannot be considered “sensitive habitat” by anything but the wildest stretch of the imagination, and closing them to vehicular traffic appears arbitrary. (Individual, Mill Valley, CA – #M31)

**PC #: 144**

**Public Concern: The BLM should educate private property owners about the impacts wells have on groundwater supply and fish habitat.**

Water is obviously very important to plant and animal life in the Mojave. Hence, when people exploit and then waste groundwater they are possibly sacrificing the future. A case in point is the area around Lake Grimshaw near Tecopa. This area is an artesian basin that is being gradually de-pressured by wells that have been drilled and are just being allowed to flow freely. This is a difficult issue but private property owners need to be educated to the fact that their actions will eventually cause springs in that area to cease flowing, hence eliminating threatened and endangered remnant fish populations. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 145**

**Public Concern: The Final EIS should exclude prior environmental impact statements lacking a certified hydrological study.**

The NEMO DEIS incorporated prior EISs, by reference. The incorporated EISs and studies therein do not offer any hydrology studies. No civil engineer’s signature or stamp appears on any of the incorporated documents, as is required. (Ca. Bus. & Prof. Code [section] 6735). We and I presume that no civil engineer’s signature and stamp appears anywhere on the incorporated documents because no licensed civil engineer either supervised or prepared the hydrology studies for them. As the hydrology studies for the incorporated documents were prepared in violation



of the California Professional Engineers Act, they are therefore void from the beginning. By incorporating a document into the NEMO DEIS, the BLM assumes responsibility for its hydrology studies. By that incorporation, the BLM certifies that they are true and correct; and, that they were either supervised or prepared by qualified hydrologists utilizing standard hydrology methods of practice. As the hydrology studies for the incorporated documents were not, in fact, either supervised or prepared by licensed hydrologists, BLM's certification is false. As BLM's certification is false, the incorporated documents cannot therefore be incorporated by reference into the NEMO DEIS. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 146**

**Public Concern: The BLM should clarify its policy on transportation of water over public land for the purpose of nuclear/radioactive waste disposal.**

The huge amounts of water being sucked out of public lands, piped over public lands, contraindicated and allowed to plume back down over public lands is all a matter of the BLM's UNWRITTEN policy to allow such contamination and destruction of public resources. Precious water and so little of it, is the life blood of the desert, and must be protected and addressed by policy in the NEMO. What is the BLM's policy with regard to the transportation of water over public land which will be used in the disposal process of nuclear/radioactive waste?

**PARD urges the BLM to clearly spell out in the NEMO plan a policy that no provision will be made for the disposal of nuclear/radioactive waste on public lands; therefore, public resources managed by the BLM shall not be used for the purpose of disposing nuclear/radioactive materials.** The past damaging effect of the UNOCAL operation upon the wildlife, plants, water, air and other environmental resources in the area can never be undone, but it is the BLM's responsibility to make sure it doesn't continue. (Preservation/Conservation Organization, Needles, CA – #M12)

**PC #: 147**

**Public Concern: The BLM should request a NEPA-compliant analysis of UNOCAL's water extraction and transportation proposal in order to assess impacts to the planning area.**

UNOCAL's intent to use water on public lands and water supply pipelines over BLM land from Shadow Valley and Ivanpah Valley for their radioactive waste processing, dilution and dispersion operation (extended UNOCAL operation) is alleged to be in violation of NEPA and FLPMA. It is our understanding that UNOCAL's operation will be without a NEPA required assessment of the effects of the water pipeline operation. Without the assessment and without addressing the purpose for which water will be extracted from and transported over public lands it is impossible to determine the effects. (Preservation/Conservation Organization, Needles, CA – #M12)

**PC #: 148**

**Public Concern: The Final EIS should outline a comprehensive groundwater protection strategy for all areas of the lower Carson Slough Area of Critical Environmental Concern.**

The establishment of lower Carson Slough ACEC creates the possibility of limiting the development of ground water on public lands in the Death Valley Junction area. This would provide protection to the springs in Furnace Creek. NPS recommends that ground water development in the ACEC be restricted or limited. Ch. 3-16 3.3.2 In the first paragraph, it is stated, "Discharges from this carbonate rock aquifer are the source of water for Devil's Hole and the Lower Carson Slough. Water withdrawals from the Amargosa Valley-Death Valley Junction area impact flows at Ash Meadows and Furnace Creek." Although the lower Carson Slough ACEC designation appears restricted to the planning area (i.e., within California), the withdrawal of groundwater in Amargosa Valley near lower Carson Slough, for the most part, occurs in Nevada. However, the DEIS describes a strategy and implementation which does not address this issue. The DEIS should acknowledge whether there exists a companion ground-water protection strategy on public lands in Nevada which could afford protection to lower Carson Slough ACEC. The DEIS should also list actions which BLM proposes to ensure continued surface flows in the Lower Carson Slough area. (U.S. National Park Service, Oakland, CA – #M42)



**PC #: 149****Public Concern: The Final EIS should analyze the relationship between riparian flows and groundwater sources.**

NPS recommends that the DEIS also discuss BLM actions that would develop greater knowledge about the relationship between riparian flows and the ground water source(s) that contribute to those flows. Protection of plant species may be unsuccessful if the strategy ignores protection of ground-water sources. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 150****Public Concern: The BLM should discuss and commit to protecting spring sources by excluding cattle and burros.**

In 'Impacts to Cattle Grazing (and Allotments)' it's asserted that "the National fallback standards have been met on 16 of the 18 allotments." Nonetheless, on page 4-5 it is disclosed that "Many of the desert spring riparian areas within the NEMO Planning Area have been rated as non-functional or functioning-at-risk (Appendix J)," due to several factors including burro use and livestock grazing. There is a lack of discussion of and commitment to protecting spring sources by excluding cattle and burros. (U.S. National Park Service, Oakland, CA – #M42)

## **Vegetation/Rangeland Management**

**PC #: 151****Public Concern: The Final EIS should include a vegetation map as a basis for proposed management in the NEMO plan area.**

We are concerned that, unlike the Northern and Eastern Colorado Plan, no vegetation map is presented or used as a basis for proposed management. Plants, as the primary producers, are the basic resource for all consumers. It is our position that, without knowledge of this basic resource in the planning area, identified by plant community, the effects of management strategies proposed in this document are not fully analyzed on that basic resource. We continue to urge that these basic data be included in the document. Each allotment management plan will contain a vegetation map, indicating key areas, range fencing, range improvements, sensitive species information, cultural resources, and other features of concern. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 152****Public Concern: The BLM should evaluate disturbances to general vegetations and special status plants.**

4.9.1. Alternative I: Impacts to Vegetation: General Vegetation & Special Status Plants: "These characteristics lend themselves to inadvertent damage or destruction by vehicles, as well as activities associated with vehicle travel". Here we are back to the anti-vehicle mindset of large sections of the report. Plants are just as susceptible (actually much more susceptible) to damage by hikers marching across country who by necessity crush small plants underfoot and brush against and damage larger ones —whereas vehicle travel on routes which have no plants in the first place. If there is a desire to exaggerate damage to the overall plant community by visitors, please add other forms of disturbance such as cross-country hikers and point out that roads already have no plants to damage. Weed establishment and fire occurrence: Seeds would be more likely to be spread by animals, birds, hikers, and the wind than by a smooth and shiny vehicle traveling along a road in the area. Any such seeds spread by vehicles would fall on the relatively barren roadway and die. Any successful spreading would be immediately evident along the side of the road where it would be easiest to monitor and eliminate, whereas spreading by other means (hikers, animals, etc) could occur anywhere and be much harder to detect and remove. Wildfires can equally well be started by visitors in vehicles or on foot, but vehicle users have far greater ability to prevent them since they carry excess water and fire extinguishers. (They can also report wildfires much more rapidly than hikers.) A good road network is also vital in managing fires where they do occur. (Individual, Mill Valley, CA – #M31)



**PC #: 153****Public Concern: The Final EIS should recognize and protect fragile plant communities and resources.**

**Motor Vehicle Access: Routes of Travel Designation:** With the recognition that “Plants and plant communities in the Planning Area can be extremely fragile in nature. . .” (Section 4.9.1), CNPS supports Alternative 2, which provides the greatest resource conservation and special status plant species conservation. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 154****Public Concern: The BLM should monitor ecosystem health as it pertains to vegetation.**

CNPS strongly supports monitoring of ecosystem health as it pertains to vegetation as a continuous high priority. We look forward to using our MOU with the BLM for collaborative opportunities to pursue this type of monitoring. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 155****Public Concern: The Final EIS should address unique features that provide critical plant habitat.**

Certainly those unique features that provide crucial habitat for certain species should not be ignored. If Joshua Trees are not dominant but are present, they should be planted at densities that reflect pre-disturbance conditions, or some baseline comparative site. The Key to the Vegetation Alliances of the Mojave Desert Vegetation Mapping Project identifies a *Yucca brevifolia* alliance as “*Yucca brevifolia* need only exceed 1% cover in the tallest layer (3 meters or taller) to make the alliance definition.” By this definition, the proposed “revegetation” that would not include Joshua trees because they only provide 1 % cover and are not dominant, and the restoration project could be more correctly called a type conversion. The low percentage requirement (30%) for proposed for cover is unacceptable to CNPS. In the Manual of California Vegetation (1990), the range in cover of perennial species in the Mojave Desert is 5-27% (figures for the Sonoran Desert are slightly higher 6.7-34%). To reestablish only 30% of that cover in the Mojave would mean cover of 1.5- 8%, which bring into serious question the viability of keeping soils in place and establishing ecological functions. (Preservation/Conservation Organization; Sacramento, CA -# M62)

**PC #: 156****Public Concern: The BLM should substantiate claims that vehicle routes significantly effect vegetation.**

4.4.1. Alternative 1. T&E Plants. Impacts to Vehicle Access: “Much of the playa is already closed to vehicles” Why??? “Two routes were closed in the area more than a decade ago to protect plant populations” This action naturally did not work in terms of recovering plant or animal populations for the simple reason that closing or opening routes has insignificant effect on flora and fauna. Even closing all remaining routes would have no effect — please focus on the real problems instead of making scapegoats of roads and vehicles. (Individual, Mill Valley, CA – #M31)

**PC #: 157****Public Concern: The Final EIS should clarify vehicle impact on riparian and wetlands areas.**

3.3.4. Riparian/Wetland: Here again no opportunity is missed to blame adverse environmental effects on vehicle use (page 3-5), whereas it is highly unlikely that vehicle use has had any significant direct effect on damaging riparian areas. 4.4.1. Alternative 1. T&E Plants. Riparian/Wetland: “The playa is delicate and does not repair readily”. This is an example of extremism in criticism of vehicular travel. Leaving tracks on a playa does not damage any wildlife or plants. The fact that the tracks may continue to exist until the next wet season is not an environmental disaster in any way, shape or form, and does not affect any wildlife whatsoever. (Individual, Mill Valley, CA – #M31)

**PC #: 158**

**Public Concern: The BLM should evaluate closing routes within 1/4 mile of riparian and wetland areas within NEMO.**

**Chapter 4: Environmental Consequences: Riparian/Wetlands:** The proposal to close routes within 1/4 mile of all water sources is arbitrary, unfair, unworkable, and of negligible benefit to wildlife. In addition there is no evidence that it will help threatened or endangered wildlife; closure of ALL routes in "Wilderness" areas has not noticeably helped T&E species, and neither would this plan. As noted previously, this provision, if implemented, would Impact many important routes in the area including the lower Amargosa Canyon (one of the most scenic 4WD routes in the whole NEMO area) and State Highway 127. (Individual, Mill Valley, CA – #M31)

**PC #: 159**

**Public Concern: The Final EIS should limit current and future disturbance in Desert Wildlife Managed Areas to protect vegetation.**

**Appendix F:** CNPS supports a 1% limit on disturbance in DWMA's because of the protection this limitation provides for native vegetation. However, we do not support the subtraction from the cumulative total of disturbed lands as disturbed lands are restored. We see that action as potential to ultimately disturb the whole DWMA. Many studies show that restored habitats, while providing ecological functioning, do not sustain the diversity of the habitat that is impacted. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 160**

**Public Concern: The CDCA Plan Amendment should implement Alternative 2 as it provides the greatest amount of protection to native plant species.**

CNPS supports Alternative 2, because this alternative provides the greatest amount of protection to native plant species. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 161**

**Public Concern: The BLM should recognize the integral ecological function of cryptobiotic soil.**

We applaud the recognition of the integral ecological function that cryptobiotic soils provide as described in Section 3.1.3. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 162**

**Public Concern: The Final EIS should evaluate vehicle impacts on biological soil crusts.**

4.9.1. Alternative 1: Impacts to Vegetation. Biological Soil Crusts: Vehicle access can only damage the crust where the actual wheel tracks go. On the typical desert road this is maybe 18 inches wide for each wheel track, or 3 feet wide altogether. This is not much different from a hiking trail. Please do not make it sound as if this is a devastating factor for the overall desert soil situation when these wheel tracks occupy perhaps 0.1% of the area. (Individual, Mill Valley, CA – #M31)

**PC #: 163**

**Public Concern: The Final EIS should evaluate human impacts on fragile biological soils.**

4.12.1. Vegetation and Wildlife: "Of particular concern is the potential destruction of fragile biological soil crusts due to trampling by livestock," If this is a concern, then it should be added that groups of cross-country hikers, by their nature, must cause exactly the same type of destruction. From the summaries given earlier in the report, it is clear that numbers of livestock are very low in the NEMO area and probably similar to numbers of hikers at peak times. The practice of repeating and infinitum the alleged potential impacts of everything but hikers should cease. (Individual, Mill Valley, CA – #M31)



**PC #: 164**

**Public Concern: The Final EIS should reflect the pre-disturbance conditions and maintain diversity in the restoration and vegetation process.**

Any restoration project should reflect the pre-disturbance conditions. We all know areas in the desert that are rich in species diversity, and therefore tend to support a diversity of animal species. Maintaining diversity should also be a goal of the revegetation process. Conversely, we all know areas that are very species poor, ex. playas or alkali sinks. To require a minimum of 2 perennial species may not reflect the existing conditions prior to disturbance. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 165**

**Public Concern: The Final EIS should include annual plants as part of the restoration and vegetation process.**

Additional needs as part of restoration plans should include annuals as part of a successful revegetation process. They are an important biomass constituent in desert, especially in certain years and should be addressed. Re-establishing an annual seed bank is a necessity, for resisting exotics and providing successional abilities during catastrophic events. These could be monitored as a seed bank. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 166**

**Public Concern: The Final EIS should address a restoration plan for the Amargosa River area.**

While the Amargosa River and its proposed "Wild and Scenic" status are discussed at some length there is not much discussion of a restoration plan for those areas where significant degradation due to grazing damage and invasion by tamarisk and other non-native plants has severely impacted the native vegetation. The Amargosa downstream of Tecopa has suffered greatly during the past 30 years from overgrazing, flood damage, and invasive plants. Help is needed sooner rather than later. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 167**

**Public Concern: The Final EIS should outline a plan to study movement of ground water in protected areas and implement action to limit effects on ground water-dependent natural resources in the Amargosa River area.**

It is further advised that the plan address a strategy for protecting groundwater dependent resources in the Amargosa River area from the effects of groundwater withdrawals to protect riparian habitats and resources. The DEIS should outline a plan to study movement of ground water into and through the protected areas and implement actions to limit impacts to ground water-dependent resources from the effects of pumping. Much of the threat to resources comes from pumping in Nevada (Amargosa Desert, Pahrump Valley, etc.); it is, therefore, important for the plan to be consistent with BLM activities in Nevada (as specified in other BLM plans) to protect resources in the Amargosa portion of the NEMO area. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 168**

**Public Concern: The Final EIS should protect the Amargosa River which provides habitat to federally listed plant species.**

**Wild and Scenic River Eligibility:** CNPS supports the Wild and Scenic River Process for the Amargosa River. Protection of this river will help to maintain the hydrology and consequently help to ensure that two federally listed plant species' habitat is sustained. Additionally, several unique mesic plant communities that are of very limited distribution in the Planning Area will also be conserved. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 169****Public Concern: The Final EIS should protect the NEMO area from exotic species disturbance.**

We watch exotic species enter the desert largely transported by grazing animals or following the areas of disturbance: roads, railroads, pipelines, and mining. Particularly as to pipelines and mining there should be adequate bonds to insure that true revegetation occurs. Pipelines ten and twenty years old still present us with sterile soil. It would help if no grading were allowed and the native vegetation just crushed. It would likely come back sooner. The bonds might have to remain in place for decades as this seems to be the time frame of recovery.

(Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 170****Public Concern: The BLM should address an exotic species control program in the reserve.**

INITIATE AN EXOTIC SPECIES CONTROL PROGRAM IN THE RESERVES: As alien grasses and other non-native plants follow disturbance paths into the desert they should be controlled both by removal processes as well as minimizing disturbances. Studies have shown that tortoises are short-changed nutritionally when forced to eat exotic grasses, which usually follow disturbance paths. Desert Survivors would support an academically based scientific research management area that would attempt to determine affect on exotic dispersion and native recruitment for various surface disturbance regimes. Vehicle passage, right-of-way maintenance, cattle trampling, and excessive erosion for off-site sources all impact the physical soil crust as well as the biotic soil crust. Lets find out how we can better manage based upon controlled studies. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 171****Public Concern: The Final EIS should evaluate all sources which contribute to noxious weed problems within NEMO.**

Motorized recreation is not the only contributor to the noxious weed problem. In fact, the mechanisms for transport of noxious weeds is greater for other visitors including hikers, equestrians, and visitors with llamas than it is for motorized recreationists. These transport mechanisms include hair, fur, manure, shoes, and fabrics. The smooth metal and plastic surfaces on vehicles do not have a surface texture that will pick up and hold noxious weeds seeds. Additionally, motorized recreationists practice the "Wash your Steeds" policy. However, restrictions for concerns associated with noxious weed are only placed on motorized recreationists. The document must make a fair evaluation of all sources that contribute to the noxious weed problem including hikers, mountain bikers, and equestrians. The document must also fairly evaluate how natural processes and wildlife spread noxious weeds. The travel plan document must include a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should be applied impartially to all visitors. (Recreational Organization, Helena, MT – #M73)

**PC #: 172****Public Concern: The BLM should evaluate methods of controlling tamarisk other than burning.**

Burning may not be the most effective method of controlling or eradicating tamarisk. Mechanical methods have been proven more successful, in spite of being more labor intensive. A combination of mechanical, chemical, and burn (integrated pest management) methods should be explored as an alternative to burning alone. (U.S National Park Service, Oakland, CA – #M42)

**PC #: 173****Public Concern: The BLM should require all visitors to contribute fees for weed abatement programs.**

OHV owners as part of their vehicle registration contribute \$1.50 to a noxious weed abatement program. Non-motorized visitors do not contribute to any weed abatement program. The travel plan document does not have a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious



weeds should recognize the minor impact that OHV's have on the noxious weed problem and also credit OHV visitors for contributing to a program to control noxious weeds. (Recreational Organization, Helena, MT – #M73)

**PC #: 174**

**Public Concern: The CDCA Plan Amendment should implement the proposed Standards and Guidelines for Rangeland Health with additional science based recommendations.**

**Standards and Guidelines:** CNPS supports the Standards and Guidelines for Rangeland Health in Alternative 2 (preferred) as an improvement over the Alternative 1, however, we support additional science-based recommendation for guidelines as follows: **General Utilization Guideline:** The utilization level of key species will not exceed 35% on ranges that are grazed during the dormant season and are meeting standards. Ranges that are grazed during the active growth season and are meeting standards will not exceed 25% utilization of key species. **Exclosure Guideline:** All allotments will have at least one exclosure of appropriate size for each key area (portion of the range, which because of its location, grazing/browsing value, and/or use, serves as an indicative sample of range conditions, trend or seasonal use. The size of the exclosure will be designed to be statistically representative. **Livestock Trailing Guideline:** Evidence of multiples of trails to the same site (watering, feeding, or bedding sites), or multiple trails on hillsides requires management changes by redistributing stock and/or lowering of stocking rate in the area. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 175**

**Public Concern: The BLM should support the State of California in creating standards and guidelines for Rangeland Health.**

We are concerned that there are no California State adopted Standards and Guidelines for Range land Health. The recommendations of the State Advisory Committee do not fulfill this need. (Preservation/Conservation Organization, Sacramento, CA – #M77)

**PC #: 176**

**Public Concern: The BLM should reduce grazing by 69% to positively benefit natural vegetation communities and special status plants.**

On page S-13, under the heading Preferred/Large DWMA Alternative, you write: "Reduction of grazing by 36% will reduce impacts from disruption of sensitive natural communities, reduction in annual plant diversity and compaction of soils." We are happy to read about the reduction of harmful grazing, but would prefer a more extreme reduction to be implemented. Your suggestion on the same page, under the heading Small DWMA "A" Alternative is reasonable: "Reduction of grazing by 69% will have similar positive benefit to natural communities and special status plant species as the Preferred/Large DWMA Alternative on a greater scale." (Individual, North Adams, MA – #C103)

**PC #: 177**

**Public Concern: The BLM should develop and adopt a fire management plan.**

Guideline 7: BLM is urged to develop a fire management plan to address prescribed burning and suppression activities. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 178**

**Public Concern: The BLM should consider creating Standards of Public Land Health for the NEMO area.**

Public Lands Health Standards are a worthy idea. We would like to support this efforts and would not oppose adoption of the proposed language. We are concerned however about the on-the-ground implementation of these standards and grazing guidelines. In discussion with BLM staff it became apparent that no real detailed knowledge exists regarding how they might be use to improve the health of our public lands. Statements such as "In desert tortoise habitat, utilization of key perennial grasses shall not exceed 40% from February 15 to November 1," have actually been in place since the 1994 biological opinion but staff seem to have little knowledge of its existence or

how it might function. To make this work a lot more commitment must be made. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 179****Public Concern: The BLM should provide public education opportunities pertaining to desert vegetation.**

That's the key word I've been looking for all night. Education. When they closed Glamis, when they closed it, I didn't see any information coming out from anybody saying this is—here's the plant, stay away from it, let's educate you about the plants. We go out there to see the plants. I mean, we go for a ride, we stop on top of a sand hill, look down in awe at the beauty, especially in the springtime, of all the plants, all the different colors. We don't run the plants over. We enjoy the plants. But there was no education out there for anybody. It's just: Let's close this whole thing up. (Individual, No Address – #M352)

**Threatened, Endangered, and Sensitive Species****PC #: 180****Public Concern: The CDCA Plan Amendment should establish a 25-35% range utilization threshold guideline to protect sensitive species habitat.**

Basis for [Range Utilization] Guideline: The most recent data indicate that utilization levels of key species in the "true desert (Mojave)" with annual precipitation of 4-8 inches should not exceed 25-35% for moderate grazing (Holechek et al., 1998 – Table 8.7). These data require a reduction of the 50% utilization of key species as specified in the Fallback guidelines, and a reduction of the 40% utilization as identified in the biological opinion for those allotments in critical desert tortoise habitat. The higher 35% rate is appropriate for ranges in good condition and only grazed during the dormant season. The 25% rate is appropriate for ranges in poor condition and grazed only during active growth. The flexibility of this utilization rate can be applied to areas within allotments. Holechek's guidelines are adopted in Rangeland Health Standards and Guidelines for California and Northwest Nevada Final EIS. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 181****Public Concern: The CDCA Plan Amendment should fully implement the recovery plans for all listed species in the NEMO area.**

The final plan should fully implement the recovery plans for all listed species located in the NEMO area. (Preservation/Conservation Organization, Sacramento, CA – #M74)

**PC #: 182****Public Concern: The BLM should protect sensitive species by designating large Areas of Critical Environmental Concern.**

I would like to express my support for the stated desire of the BLM to strengthen the protections afforded the sensitive species found in the Mojave Desert, including the desert tortoise and Amargosa vole. I would encourage large designations of land as ACECs for the needs of these species. Undisturbed land is simply the most effective means of preserving populations of these and other species. (Individual, Davis, CA – #M53)

**PC #: 183****Public Concern: The BLM should manage livestock grazing to protect endangered species.**

Livestock grazing must be managed in such a manner that endangered species, such as the desert tortoise, are protected. We recognize that this might affect the viability of grazing allotments in the desert, but this does not lessen the necessity of implementing the ESA and the Tortoise Recovery Plan. As with other standards, grazing standards must be specific, enforceable, and enforced. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)



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**PROTECT THE DESERT TORTOISE.**

The USFWS states that the "Recovery Plan represents the best available biological information on the conditions needed to bring the Mojave population of the desert tortoise to the point where listing under the Act is no longer necessary." 59 FR 5823. However, under the Alternatives for grazing, only Alternative 2 eliminates grazing. (Preservation Organization, Oakland, CA – #M27)

NPCA endorses Alternative 2 not because it creates two DWMA's with larger size (354,000 acres) than does the Preferred Alternative, but because Alternative 2 is the sole alternative that fully implements the Recovery Plan with regard to cattle grazing. Alternative 2 proposes, among other things, to "Terminate all authorizations related to grazing activities and cancel the portion of the allotment in the DWMA's." (Preservation Organization, Oakland, CA – #M27)

**PC #: 184**

**Public Concern: The CDCA Plan Amendment should retain requirements for site-specific project review and consultation for mining disturbances greater than 10 acres.**

I oppose programmatic coverage for disturbance of less than 100 acres without site-specific project review under section 7 of the ESA. NEMO should not reduce protection below the present programmatic mining consultation, which covers no more than 10 acres of disturbance at a time. (Individual, Berkeley, CA – #M169)

**PC #: 185**

**Public Concern: The CDCA Plan Amendment should comply with the Endangered Species Act.**

BLM's NEMO proposal fails to implement recovery plans for listed species in the area. BLM must take note that the ESA [Endangered Species Act] specifically requires that the Secretary not only develop recovery plans but also "implement" them. 16 U.S.C. 1533 (f). (Individual, Berkeley, CA – #M58)

**PC #: 186**

**Public Concern: The BLM should inform the public of species not chosen to be listed.**

It's my understanding one of the functions of the Bureau of Land Management is to foster multiple purpose use in regard to the threatenment of endangered species. How many of these species have been deleted from being listed? I think the public needs to be aware of this. (Individual, No Address – #M342)

**PC #: 187**

**Public Concern: The BLM should inform the public of the criteria required for delisting threatened and endangered species.**

Are there any plans in the mitigation areas for the ACECs to have a point where you are going to say, okay, this species is no longer threatened? All I have ever seen is that this is what makes them threatened. I have never seen anything as to what makes them not threatened any more. At what point . . . is there recovery? Are there any? (Individual, No Address, – #M326)

**PC #: 188**

**Public Concern: The BLM should re-examine the definition of habitat destruction.**

Your comment, Edy, about habitat destruction, that is—that has to be tempered. And I will give you an example. The brown towhee that's been kind of skating around on the—in the margins of the list for a long time, if you were to—if you were to build a house in Homewood Canyon, it would be regarded as habitat destruction. You have disturbed native brush, and so forth. But, you know, the brown towhee is doing really well in Homewood. And one reason it is, is because people have been taking care of it for a long time. They build nests. They provide water. And the birds are right there with the people that are living there. And so habitat destruction is not the same as disturbing the ground or, you know, whatever. It's a lot more complicated than that. So your comment about, we are not just going to look at mining as being especially destructive or high lines or whatever, that's in the right direction. Just

need to keep on going, because it's a lot more complicated than just scraping on the ground. (Individual, No Address – #M324)

**PC #: 189****Public Concern: The BLM should identify trail closures implemented to protect threatened and endangered species.**

The EIS at page 1-8 states that critical habitat for the Amargosa Niterwort and threatened Ash Meadows Gumplant has been designated in the Carson Slough area. Please identify any trail closures that will be implemented to protect these two plant species. (Recreational Organization, San Diego, CA – #M67)

**PC #: 190****Public Concern: The BLM should identify data that shows OHV use is a threat to threatened and endangered species.**

To the extent that any trail closures are being proposed to protect the Amargosa Vole, please identify the evidence that shows OHV use has adversely affected the vole or its habitat. (Recreational Organization, San Diego, CA – #M67)

Please identify the data that show OHV use presents a threat to either of these plants in Carson Slough and Franklin Lake Playa. (Recreational Organization, San Diego, CA – #M67)

to the extent the NEMO Plan recommends trail closures to protect bat species, please identify the data that establish OHV activity threatens the bats. (Recreational Organization, San Diego, CA – #M67)

**Floral Species****PC #: 191****Public Concern: The BLM should protect sensitive plant species and maintain hydrology by substantially enlarging the Carson Slough Area of Critical Environmental Concern.**

While Alternative 2 provides the greatest conservation proposal for the Carson Slough sensitive plants, however, CNPS supports an alternative proposal as submitted jointly by CNPS and the Center For Biological Diversity (9-21-01). Under this proposal, the Carson Slough ACEC would be substantially enlarged to help maintain the hydrology of the Amargosa/Carson Slough area, which is essential to the persistence of these plant species (*Grindelia fraxinopratensis* and *Nitrophila mohavensis*). Because you recognize the current tenuous circumstances of both of these species that “are on the Center for Plant Conservation’s list of species expected to go extinct within ten years,” (Appendix G), a conservative approach, as represented by our proposal, is required to conserve these state and federally listed species. This proposal also includes conservation of all of the Salt and Brackish Water Marsh UPA [Unusual Plant Assemblage]. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 192****Public Concern: The BLM should ensure long-term persistence of sensitive plant species by establishing success criteria for their restoration.**

The goals of the restoration for an area need to be clearly addressed. Restoration for an endangered plant species may be “successful” in terms of getting the plants to survive and reproduce, but that success may not include restoring the plants’ habitat, that we feel is necessary for long-term persistence. CNPS continues to propose success criteria as follows: Sustainability – the vegetation should maintain/replace itself over time. The vegetation should not be dependent on artificial water, fertilizers or labor (weed removal, etc). A requirement for recruitment or viable propagule production might be a way of getting at part of the sustainability. Resistance to exotics – disturbance often lends itself to exotics getting a “root-hold.” A healthy ecosystem will resist invasion in the absence of disturbance. Nutrient retention -keeping most nutrients in the cycle and not having them “leak” off-site. In the desert of course this still means that most nutrients are tied up in the plant material, but that sufficient biomass in different age stands and vegetation types (annual/perennial) be present to initiate/maintain nutrient cycling. Full complement of biotic



interactions mycorrhizal associations reestablished, soil crusts reestablished, pollinators present, soil movers (ants etc.) present. (Preservation/Conservation Organization, Sacramento, CA – #62)

**PC #: 193**

**Public Concern: The BLM should seasonally exclude sensitive plant species habitat from grazing until studies show impact does not occur.**

Sensitive Plant Guideline : Locations of sensitive plant taxa will be excluded from grazing during times of year when the plants are present until studies with exclosures show that no impact to the plants occur from grazing. The studies will be based on peer-reviewed scientific data. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 194**

**Public Concern: The CDCA Plan Amendment should establish a guideline requiring monitoring and mitigation for grazing impacts on all sensitive plant species.**

Basis for [Sensitive Plant] Guideline: "Livestock grazing . . . is particularly harmful to plants, affecting 33% of endangered plant species to compared to 14% of endangered animals." (Wilcove et al., 1998). In California, 225 rare threatened or endangered plants are known to be "threatened by grazing" (Painter 1995). Over 135 populations of sensitive plant species have been reported on CDD [California Desert District] grazing allotments. Monitoring data on most of these sensitive plant populations within the CDD is lacking. Protection of these sensitive species is the most efficient way implementing BLM's mandate under the ESA to keep sensitive species from being listed. As you know, CNPS [California Native Plant Society] has initiated surveys to relocate populations of sensitive plants. In the spring of 1998 (an El Nino year), of the 25 targeted populations, sixteen were relocated, and three untargeted (new) populations were located. Although these data are not conclusive evidence that sensitive plant populations are declining in the CDD and that grazing is the exclusive cause of a decline, we support a rational approach to conservation until scientific research is completed. (Preservation/Conservation Organization, Sacramento, CA – #M62)

## **Faunal Species**

**PC #: 195**

**Public Concern: The BLM should protect the habitat of the Mojave fringe-toed lizard.**

The BLM briefly mentions the Mojave fringe-toed lizard (*Uma scoparia*) as a Species of Special Concern. It acknowledges that this species lives on sensitive sand dunes. These dunes are thought to be relictual from Pluvial lakes and rivers. This species among others is isolated to these habitats. Current genetic research is discovering a divergence of this population from southern populations. The BLM should be consulting with Ft. Irwin National Training Center which is funding state of the art research of this species. The BLM should develop conservation strategies in heavily used OHV areas such as the Dumont Dunes. Populations occur at Coyote Holes Spring above Kingston Wash and the Ibex Dunes in Death Valley National Park. There may be other areas that need to be surveyed for this species. (Individual, Death Valley, CA – #M56)

**PC #: 196**

**Public Concern: The BLM should protect the Mojave fringe-toed lizard by closing the Dumont Dunes to OHV use.**

The Dumont Dunes should be closed to off-road vehicle use to protect the Mojave fringe-toed lizard. (Preservation/Conservation Organization, Tucson, AZ – #M71)

**PC #: 197****Public Concern: The Final EIS should address the presence and status of the Gila monster.**

The Gila monster (*Heloderma suspectum*) has been confirmed in the Kingston Mountains and Providence Mountains and reported in other ranges. The BLM should consult the United States Geological Survey as well as the University of Arizona to work with them to research the status of this species. (Individual, Death Valley, CA – #M56)

**PC #: 198****Public Concern: The BLM should eliminate vehicle disturbance from Surprise Canyon to protect breeding habitat for the Least Bell's vireo.**

Surprise Canyon is also excellent potential breeding habitat for Least Bell's vireo, and loud vehicle disturbance should be eliminated. (Individual, Death Valley, CA – #M56)

**PC #: 199****Public Concern: The CDCA Plan Amendment should include the Snowy Plover as a special status animal.**

We were disappointed to see that Snowy Plover was not included in section 3.2.2, the Special Status Animals. We assume that the decision was based, at least partly, on BLM's conclusion that only the coastal population requires management. We disagree most adamantly if that was the line of thought. First of all, we believe that BLM is aware of the fact that Snowy Plover have bred at Grimshaw Lake for many decades (Tarble, Point Reyes Bird Observatory, Heindel). The Point Reyes Bird Observatory has conducted studies of inland Snowy Plovers and has published their findings in *Western Birds* and the PRBO publications. They have proven through banding that there is movement between the inland and coastal populations. Birds banded on the coast were later found breeding at Mono Lake. While there is no proof that the Grimshaw Lake birds have coastal birds in the breeding population, neither is there proof that they don't. If BLM decides not to manage the plover population and further studies prove that coastal birds do breed at Grimshaw Lake the legal liability might be substantial. (Individual, Big Pine, CA – #M35)

**PC #: 200****Public Concern: The Final EIS should address protection for riparian obligate birds.**

I'm glad BLM has addressed recovery of some species in detail, but the draft lacks details for protection and recovery of many species, most notably riparian obligate birds such as the SW willow flycatcher, Least Bell's vireo and Inyo California towhee. The NEMO plan must do more to protect and restore these species and the riparian habitat they depend on. (Individual, Berkeley, CA – #M58)

**PC #: 201****Public Concern: The BLM should re-examine protecting habitat for sensitive bat species.**

The designation of bat species as "sensitive" is an example of the constant overuse of this word to the point where its true meaning has almost been lost. Bats are among the most numerous animals on the planet and thrive vigorously under diverse conditions. They often live in such close proximity to humans that they are difficult to evict. In the present case, five species of bats are known to use the numerous mineshafts and adits in the Silurian Hills area—probably for water as well as nesting sites. The bat population is therefore artificially inflated over what would occur without man's intervention, and is very likely a cause of food chain disturbance leading to endangerment of other species. Thus, the plan's emphasis on further encouraging the expansion of this artificially large bat population is extremely misguided, and will inevitably lead to greater disruption of the naturally occurring species in the adjacent area, very likely including the desert tortoise, owls and the Amargosa vole. The listing of "the main threats to bats and their habitat" given on page 1-9, including vehicle route proliferation, human visitation of mineshafts, and camping adjacent to mineshafts is again highly speculative and bears little relation to observant visitor experience. It is far more likely that the heavy population of these subsidized species is limited by predators



and competitors for food, and that they are reducing food supplies available to other native species. The obvious "Purpose and Need" here is to reduce bat populations to more natural levels by closing off mineshaft openings to eliminating them as roosts and water sources. (Individual, Mill Valley, CA – #M31)

I have a comment on the Silurian Hills Conservation Area. Now, my understanding of this is, there's a lot of silver deposits and a lot of historic mining in the area. The bats have moved into the workings of the mine. Now, my question is: Is there any natural habitat there for the bats? Because if they just moved into artificial habitat, what other species have they affected by moving there? And instead of preserving the bats in the artificial habitat, should we not be removing the bats or managing them at a natural population level, so that the species that they have affected by moving in there can recover? But you have quite a few insects that are affected by these bat populations. I mean, one of the big things that the bats do, they will eat 20,000 mosquitoes a night. For us, you know, that's nice. But what about the other creatures that would be there if those mosquitoes were there as a food source? If we are trying to manage this thing at a natural level, should we not be trying to remove artificial habitat? (Individual, No Address – #M323)

No Support Provided for Use of Area by Eight Bat Species. The EIS at page 1-9 says that the eight bat species designated as BLM-California sensitive species use the Amargosa River and Kingston Wash watersheds. The EIS refers to no technical information or studies indicating that the eight bat species use those areas. No Evidence that Camping Threatens Bats. The EIS at page 1-9 identifies camping adjacent to bat habitat as one of the main threats to bat survival. However, the EIS fails to explain how camping threatens bats. (Recreational Organization, San Diego, CA – #M67)

#### **PC #: 202**

##### **Public Concern: The Final EIS should address management actions needed to protect populations of and preserve habitat for sensitive fish species endemic to the Amargosa River.**

The draft plan/EIS fails to address management actions needed to protect populations of two fish species considered sensitive by the BLM, including the Amargosa River pupfish and Amargosa Canyon speckled dace. Some current activities within the aquatic habitat of these species, specifically vehicular use and multiple crossings of the Amargosa River bed, may be causing adverse impacts on these species and their habitat. The final plan/EIS should propose and implement management actions needed to protect their habitat. (Preservation/Conservation Organization, Sacramento, CA – #M74)

#### **PC #: 203**

##### **Public Concern: The BLM should adopt Alternative 2 to best protect the Amargosa vole and other threatened and endangered species within the Amargosa River Area of Critical Environmental Concern.**

The DEIS identifies five areas along the Amargosa River for potential implementations of Amargosa vole conservation strategies. Alternative 2 would designate the Amargosa River ACEC, which would include 10,450 acres of public land in addition to existing ACECs that would be managed for vole recovery, including riparian habitat located east of the current Amargosa Canyon ACEC, other suitable riparian habitat located upstream from the existing ACECs, the Upper Amargosa Mesquite Bosque WHMA, and critical habitat not included in the existing ACECs. Within this ACEC BLM would adopt management prescriptions to promote vole recovery. The DEIS finds that this alternative would have the greatest benefit to the federally threatened Amargosa vole. Consolidated management and potential acquisition and restoration of riparian habitat would also benefit other threatened and endangered species. Such as least Bell's vireo and southwestern will flycatcher, and BLM sensitive species such as Amargosa pupfish and Nevada speckled dace. However, the DEIS designates Alternative 3, which would exclude 2,400 acres from the new ACEC, as the preferred alternative. The DEIS does not explain or justify this exclusion or the reason Alternative 3 was selected over Alternative 2, although the DEIS does acknowledge that Alternative 3 would not benefit Amargosa vole recovery as much as Alternative 2. We urge BLM to adopt Alternative 2 for Amargosa vole recovery as the preferred alternative (Preservation/Conservation Organization, Washington, DC – #M66)

Amargosa Vole Conservation and Recovery : The California Native Plant Society supports Alternative 2 for this issue item because not only is it the only alternative that includes conservation of the population of Tecopa birdsbeak (*Cordylanthus tecopensis*) within the ACEC, but it protects more of the hydrology of the Central and



Lower Amargosa, which is essential to ecological functioning. We support the goal of proper functioning condition of the river through a coordinated Amargosa River ACEC Management Plan. (Preservation/Conservation Organization, Sacramento, CA – #M62)

## **Desert Tortoise**

### **PC #: 204**

#### **Public Concern: The BLM should continue to educate people about the desert tortoise.**

My concern about the desert tortoise is obvious. It's lack of mobility makes it so vulnerable. We live next to BLM land in Wonder Valley near Midway. This desert tortoise visited us May '98 & April 2000. You can look at the shell damage the second visit. It was a wild one since it hissed and withdrew the first & second times it approached. People dump dogs in the area and if animal control could be encouraged to collect them it could help. Your education programs are helpful. I did not realize when I moved to the desert 15 years ago that to pick them up would make them void their bladders and how dangerous that is for them. (Individual, No Address, – #M54)

### **PC #: 205**

#### **Public Concern: The BLM should give desert tortoise conservation a high priority.**

Desert tortoise management and conservation is obviously a very big issue in the planning area in light of apparent continued declines in tortoise numbers. It is vitally important that this issue have very high priority. Proper management of vehicle use, grazing by both cattle and feral livestock, and reduction in raven numbers seem to be key factors in recovery of the desert tortoise. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

High priority should be placed on continued tortoise populations, including historic study plots plus line sampling methods. (Land Use Services Department, County Agency, San Bernardino, CA – #M72)

Desert Survivors supports effective substantive action now to begin the long process of tortoise recovery. Each year we delay will make it harder to control the complex effect impacting the tortoise as well as other species in the mosaic of the Mojave Desert. Each year we seem to learn a bit more about the ecology of these animals but also we learn that our prior efforts were not sufficiently thought out, funded, or carried out to make real progress. We cannot stop at this point. Accommodation must be made along with a commitment of scientific and monitoring resources to learn enough to be effective. (Preservation/Conservation Organization, Oakland, CA – #M76)

### **PC #: 206**

#### **Public Concern: The BLM should protect the desert tortoise by adopting Alternative 2 as its Preferred Alternative.**

Given the realities of the bureau's chronic under funding and the consequent long history of less than adequate management, having reserves of sufficient size is likely to be the key element in the recovery of the tortoise. Designated critical habitat is a minimum acreage that was based on population densities estimated prior to 1993 and should be the basis for the proposed DWMA. We are appalled that the Bureau's Preferred Alternative would eliminate the entire N. Ivanpah Unit and reduce critical habitat by 29,000 acres an area larger than the Desert Tortoise Research Natural Area. Given that tortoise populations have declined since 1993, the Bureau should be considering increasing not decreasing the critical habitat. Consequently, we urge the Bureau to adopt Alternative 2 as its preferred alternative, and in doing so at least maintain current levels of critical habitat.

(Preservation/Conservation Organization, Riverside, CA – #M46)

The Recovery Plan recommends controlling vehicular access in DWMA's by: (1) restricting establishment of new roads in DWMA's. (2) closing vehicular access with the exception of designated routes, and (3) implementing emergency road closures as needed to reduce human access where human-caused mortality of desert tortoises is a problem. (Recovery Plan, pg. 58.) Their Recovery team found that "the list of impacts from ORV use is extensive, including: mortality of desert tortoises on the surface and below ground; collapsing of desert tortoise burrows; damage or destruction of plants used for food, water, and thermoregulation, and energy requirements; noise pollution; impact, damage or destruction of soil crusts; soil erosion; proliferation of weeds; and increases in numbers and locations of wild fires." Unfortunately, the Preferred Alternative does not take the needed steps to limit impacts to desert tortoises from vehicles. The Preferred Alternative allows vehicle access to navigable washes that are



designated open or limited, and allows parking and camping within the banks of these washes or within 100 feet of designated route centerlines. These actions fall short of what is needed to recover the desert tortoise. BLM should adopt as the Preferred Alternative, Alternative 2, which restricts vehicles to designated routes as recommended in the Recovery Plan. Also, BLM should restrict car camping within critical habitat to previously disturbed sites no more than 15 feet from designated routes. (Preservation/Conservation Organization, Washington, DC – #M66)

**PC #: 207****Public Concern: The CDCA Plan Amendment should fully implement the Desert Tortoise Recovery Plan.**

The Draft Plan proposes “alternative habitat and species conservation and recovery strategies . . . in the NEMO Planning Area in order to achieve recovery of the desert tortoise in the Eastern Mojave Recovery Unit.” (Draft NEMO Plan, p.1-5.) Given this recognition of the importance of desert tortoise recovery, it is disappointing that the Draft NECO Plan adopts as the preferred alternative Alternative 5, which fails to adopt key recommendations of the Recovery Plan, rather than Alternative 2, which Implements most of the recommendations. As discussed below, the preferred alternative fails to (1) adopt Desert Wildlife Management Areas (DWMAs) that include all desert tortoise critical habitat, (2) eliminate grazing within the DWMAs that are adopted, and (3) restrict vehicles to designated routes within DWMAs. (Preservation/Conservation Organization, Washington, DC – #M66)

The tortoise is a “keystone” species in the desert, and indicates the overall general health of the desert. Desert tortoises are herbivores, and are directly dependent on a proper diet of native plants for their continued existence. Condition of habitat is also important for desert tortoises, and it is likely that soil disturbances that impact desert tortoises will also have a significant impact on native plants. Therefore, the California Native Plant Society supports the 1994 USFWS recommendations in the Desert Tortoise Recovery Plan, where they pertain to vegetation issues. (Chapter 4-21). (Preservation/Conservation Organization, Sacramento, CA – #M62)

In June 1994, the U.S. Fish and wildlife Service (USFWS) approved a Recovery Plan developed by the desert tortoise recovery team. A Recovery Plan goes beyond the requirements of the Endangered Species Act for “consultation” and the prohibition on “take.” A Recovery Plan goes beyond designation of critical habitat. A Recovery Plan is aimed at implementing measures that lead to the eventual recovery and delisting of the species. The U.S. Fish and Wildlife considers the designation of critical habitat to be “interim protection” until the recommendations of the Recovery Plan are implemented. 59 Federal Register (FR) 5823. Here are the Service’s own words: “Designation of critical habitat does not accomplish the same goals or have as dramatic an effect upon tortoise conservation as does a recovery plan because critical habitat does not apply a management prescription to designated areas.” (59 FR5825)The USFWS expected the BLM and the NPS to implement the management prescriptions of a recovery plan through appropriate planning documents. For BLM, the proposed California Desert Conservation Area Plan Amendments is that vehicle. The National Parks Conservation Association is disappointed that the Plan Amendments now proposed by BLM fail to implement the management prescriptions. BLM must take note that the Endangered Species Act (ESA) specifically requires that the Secretary not only develop recovery plans but also “implement” them, 16 U.S.C. 1533(f).The single most important ecological decision that the CDCA Plan Amendments must make is to carry out the recommendations of the Recovery Plan. Among the measures listed in the Recovery Plan is the elimination of domestic livestock grazing (see pages 57, F10 and F14 of the Recovery Plan). (Preservation Organization, Oakland, CA – #M27)

Major problems with the NEMO draft document information: The draft plan presents no alternative which fully implements the 1994 Tortoise Recovery Plan; declining population numbers demand strong measures. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 208****Public Concern: The CDCA Plan Amendment should adhere to the reserve-level, Desert Wildlife Management Areas proposed in the Desert Tortoise Recovery Plan.**

Seven years ago, the U.S. Fish and Wildlife Service published its Desert Tortoise (Mojave Population) Recovery Plan (FWS Recovery Plan). The FWS Recovery Plan called for the establishment of reserve level management in Desert Wildlife Management Areas (DWMA) if there was to be any likelihood of recovering and delisting the desert tortoise. Data from permanent study plots in the NEMO planning area indicate that since then the status of the tortoise has continued to decline. We feel strongly that the inadequacy of current management is a factor in this



continued decline and that it is absolutely essential that the level of DWMA management envisioned in the Recovery Plan be implemented as soon as possible throughout the NEMO Planning area if the tortoise populations of the Northern and Eastern Mojave Recovery Units are to survive. (Preservation/Conservation Organization, Riverside, CA – #M46)

The size of Desert Wildlife Management Area should be consistent with the desert tortoise recovery plan. (Preservation/Conservation Organization, Sacramento, CA – #M74)

The DWMAs should include all critical habitat designated for the desert tortoise. The Desert Tortoise Recovery Plan recommends establishing Desert Wildlife Management Areas (DWMAs) within which management practices are designed to promote desert tortoise recovery. The Recovery Plan recommends specific DWMAs that are consistent with the critical habitat designated for the desert tortoise by the Fish and Wildlife Service in 1993. These Draft Plan's Preferred Alternative would designate the Modified Shadow Valley Unit DWMA, which would exclude approximately 12,700 acres that have been designated as critical habitat. No biological justification is offered for excluding the critical habitat from the Modified Shadow Valley Unit DWMA and the DEIS does not explain why this smaller DWMA is preferred over the larger DWMA from Alternative 2 that includes all designated critical habitat. All areas currently designated, as critical habitat by the Fish and Wildlife Service should be included in the DWMAs. We urge BLM to select Alternative 2 and expand the DWMAs to compensate for the lack of DWMA designation in the adjacent Mojave National Preserve Plan. (Preservation/Conservation Organization, Washington, DC – #M66)

**PC #: 209**

**Public Concern: The Final EIS should justify the BLM's adoption of a different recovery strategy for the desert tortoise than the U.S. Fish and Wildlife Service's Desert Tortoise Recovery Plan.**

[The BLM] Must Justify NEMO's Non-adoption of the U.S. Fish and Wildlife Service's Desert Tortoise Recovery Plan. According to the EIS, the NEMO Plan adopted the goals of recovery plans for both the Desert Tortoise and the Amargosa vole. However, the NEMO Plan did not adopt the recovery objectives for the Desert Tortoise. Please explain (1) how BLM's NEMO Plan for Desert Tortoise recovery differs from the USFWS's Recovery Plan, and (2) why those differences are justified. (Recreational Organization, San Diego, CA – #M67)

**PC #: 210**

**Public Concern: The BLM should consider that it is not required to adopt all aspects of the Desert Tortoise Recovery Plan.**

The Bureau of Land Management may not rely on the "FWS recovery plan" as its justification for proposing certain strategies. The Fish and Wildlife Service has said over and over again that everything in that document is a suggestion only and that if "recovery" can be accomplished some other way, then that is just as acceptable to them. (Recreational Organization, Modesto, CA – #M90)

**PC #: 211**

**Public Concern: The CDCA Plan Amendment should incorporate Upper Respiratory Tract Disease testing protocols for the desert tortoise.**

A reliable diagnosis of mycoplasma infection is essential in curbing the spread Upper Respiratory Tract Disease. It can take up to a year for a tortoise that has been infected with the virus to develop clinical signs of URTD. Many tortoises could contract the disease in that time. For this reason, researchers have developed protocols for testing asymptomatic tortoises for URTD. Such a testing protocol should be used by BLM and other federal agencies charged with implementing the Desert Tortoise Recovery Plan. (Recreational Organization, San Diego, CA – #M67)

**PC #: 212**

**Public Concern: The BLM should modify desert tortoise recovery plans to prevent intra-species spread of disease.**

The irony of the NEMO Plan's Desert tortoise "recovery" program is that it likely will encourage the spread of disease between sick and healthy tortoises. The Plan seeks to remove existing barriers between Desert tortoise



populations in hope of improving genetic exchange. This is a fine idea in many situations, but not when a highly contagious disease is killing the species in need of protection. Encouraging traffic between infected and non-infected tortoises will only result in spreading the disease over a wider geographical area, which will cause still more tortoises to die before reproducing. This is not a good recovery plan. Perhaps the most disappointing aspect of the NEMO Plan is its failure to consider the results of various studies conducted on Upper Respiratory Tract Disease (URTD), one of the main causes of Desert tortoise mortality. (Recreational Organization, San Diego, CA – #M67)

**PC #: 213****Public Concern: The BLM should protect the desert tortoise by developing an effective avian and mammal predator control program.**

Raven predation is well known as a significant tortoise killer. Less well documented are the effects of mammal predation from coyotes and kit foxes. Let's implement the raven control measures, but also begin to determine what could be done to offset or reduce mammal predation as well. (Preservation/Conservation Organization, Oakland, CA – #M76)

The U.S. Forest Service estimates 40 percent of the juvenile tortoises are predated upon by common ravens. Why hasn't the Fish and Wildlife Service and BLM began any program to eradicate common ravens, an exotic species to the Mojave Desert? (Public Meeting, Las Vegas, NV – #M313)

In Southern Nevada, the USDA officers kill ravens caught in the act of predation on tortoises. I challenge the NEMO process to use the USDA officers to eliminate ravens caught in the act of predation. (Clark County Multiple Species Habitat Conservation Plan, Las Vegas, NV – #M336)

**PC #: 214****Public Concern: The BLM should analyze and address landfills that attract ravens as a potential threat to the desert tortoise.**

Landfills: a. The EIS at page 1-14 mentions that landfills are maintained on BLM land. The EIS should (but fails to) discuss these landfills and their contribution to raven predation of Desert tortoises. Moreover, if there is evidence that the landfills are, in fact, attracting ravens that might prey on Desert tortoises, the NEMO Plan should propose the immediate closure of the landfills. Failure to analyze and address this potential source of tortoise mortality constitutes a violation of the 1994 Desert Tortoise Recovery Plan and NEPA. (Recreational Group, San Diego, CA – #M67)

**PC #: 215****Public Concern: The BLM should facilitate Desert tortoise recovery by eliminating livestock grazing from all desert Wildlife Management Areas.**

The Recovery Plan states that domestic livestock grazing should be prohibited within DWMA's because it is generally incompatible with desert tortoise recovery. (Recovery Plan, pgs. 52-53.) Livestock can trample, injure, or kill desert tortoise either above ground or while in burrows and trample burrows and shrubs used as protection from predators. Livestock grazing can cause soil erosion and compaction and affect quality and quantity of plant food. (Recovery Plan, Appendix D, pgs. D18-19.) Despite all of these impacts, the preferred alternative would not eliminate grazing within the DWMA's. Instead, the preferred alternative allows voluntary relinquishment of grazing lease and temporary nonrenewable grazing use would not be authorized. BLM should adopt as the preferred alternative Alternative 2, which eliminates grazing from the DWMA's, as recommended in the Recovery Plan. (Preservation/Conservation Organization, Washington DC – #M66)

The FWS Recovery Plan categorically asserts that livestock grazing is incompatible with tortoise recovery. Additional studies reported over the last 7 years support the Recovery Plan's recommendation. Only one of the alternatives eliminates grazing from proposed DWMA. Consequently, we endorse the NEMO plan's Alternative 2 which will redraw grazing allotment boundaries around the proposed DWMA and cancel the portion of the allotments within the DWMA. This will eliminate one of the major threats to tortoise conservation within critical habitat on BLM lands in the NEMO planning area. (Preservation Organization, Riverside, CA – #M46)

**PC #: 216****Public Concern: The BLM should re-examine permanent application of the Biological Opinion grazing standards proposed for desert tortoise recovery.**

The BOs were place markers, a finger in the dike, while the BLM (and the NPS) adopted the Recovery Plan and set in place optimal conditions of recovery as spelled out in the Recovery Plan. The interim grazing standards of the Biological Opinions do not ensure “recovery” of the species and were never intended to do so by the U.S. Fish and Wildlife Service. The grazing standards are just that, “interim” measures until the BLM (and the NPS!) creates optimal conditions for the tortoise under the Recovery Plan. The DEIS instead proposes to make the interim conditions permanent. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 217****Public Concern: The BLM should protect the desert tortoise by permanently retiring the Pahrump, Valley View, Valley Wells, and Horsethief Springs Allotment, and the BLM portion of Kessler Springs and Hunter Mountain, from grazing.**

The Pahrump, Valley View, Valley Wells, and Horsethief Springs allotments, and the BLM portion of the Kessler Springs and Hunter Mountain allotments, should be permanently retired from grazing to protect tortoise. (Individual, Ridgecrest, CA – #M57)

**PC #: 218****Public Concern: The CDCA Plan Amendment should restrict additional cumulative surface area disturbance to 0.25% in order to ensure desert tortoise recovery.**

In section 2.2.2.2 it is stated that additional cumulative surface disturbance will be limited to one percent. While this may seem to be quite small it is actually a very large total area. It would amount to about two miles of new 10-foot wide road for every square mile in desert tortoise habitat. This would allow for a dramatic increase in disturbed area. An additional cumulative disturbance of 0.25% would seem to be much more in keeping with the objective of recovery of the desert tortoise. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 219****Public Concern: The BLM should set aside an area to plant and irrigate forage for the desert tortoise.**

Has the BLM ever considered setting aside an area for the tortoise where you would plant and irrigate some sort of vegetation where they could go and eat? (Individual, No Address – #M323)

**PC #: 220****Public Concern: The BLM should provide an exact definition of desert tortoise habitat.**

We need a definition of what desert tortoise habitat is, such as above or below certain elevations. I heard that they don't live, but some of these higher elevations are considered to be closed because the desert tortoise count is low, despite the fact that they don't live above that elevation or at that elevation. (Individual, No Address, – #M340)

**PC #: 221****Public Concern: The BLM should develop adequate monitoring efforts to adaptively manage impacts to the desert tortoise.**

If management is to be adaptive and actions are to be tailored to need, then adequate monitoring efforts need to be in place that will address the impacts of specific threats to the tortoise. Line distance sampling will need to be conducted over many years before population trends can be discerned. Additionally, the recent spring 2001, range-wide line distance sampling survey crews met with low encounter rates in the NEMO planning area which may mean that the time to generation of meaningful trend data may be even more prolonged than expected. The Planning Team needs to ensure that adequate interim monitoring is in place to determine demographic data and causes of



mortality. We recommend temporarily expanding the study plot methodology to include new study plots in each of the four ACECs to ensure adequate sampling throughout the DWMA. (Preservation/Conservation Organization, Riverside, CA – #M46)

**PC #: 222**

**Public Concern: The BLM should establish procedures for monitoring the effectiveness of desert tortoise recovery efforts.**

Most of the information that we are getting now is that the tortoise is doing much worse than it was doing in 1994. What I don't see in your plan is how first of all, whether the measures you are proposing now will really be enough benefit for the tortoise. And secondly, what mechanism is there in the plan to monitor and see if you are really having an effect? So you can see whether or not, oh, well, we changed grazing. Oh, we reduced off-road vehicle. Oh, we limited mining. You know, we are doing certain things. Which ones are having effects? (Individual, No Address – #M323)

**PC #: 223**

**Public Concern: The BLM should make desert tortoise barrier fencing along Goff's Road a priority.**

We support the fencing of interstate freeways and major highways as outlined in Appendix A (A-11) but request that tortoise barrier fencing be made a priority along Goff's Road, as recommended in the FWS Recovery Plan. (Preservation/Conservation Organization, Riverside, CA – #M46)

**PC #: 224**

**Public Concern: The BLM should frequently check and maintain guzzler escape ladders in desert tortoise habitat.**

"There are numerous small game guzzlers in tortoise habitat in the NEMO Planning Area. Most, if not all, have been modified so that animals, including tortoises, do not become entrapped." This is not true. I have located about 60 of these quail guzzlers on BLM land, mostly in the East Mojave. The majority of those that I have found were not modified with an escape ladder. Many of them had previously been so modified, but the escape ladder had subsequently been torn out by persons unknown. Examination of the enclosed quail guzzler inspection log leads to two conclusions: 1) You can walk around in the desert a lot and not find quail guzzlers by accident. The persons who are doing this know where they are. 2) They have made a systematic project out of it. The only way to deal with this vandalism problem is to refit quail guzzlers with escape ladders faster than persons unknown are tearing them out. As far as I know there is no one in BLM, NPS, or CDFG presently engaged in maintenance of these quail guzzlers. Perhaps we can best serve the tortoise by putting down our planning pencils now and then to get out in the field and do real work. (Individual, Las Vegas, NV – #M23)

**PC #: 225**

**Public Concern: The BLM should analyze and mitigate utility corridor impacts to the desert tortoise reserves.**

All utility corridor impacts in tortoise reserves should be reviewed and properly mitigated. This includes both predator control measures and management practices for utility maintenance that minimize tortoise impacts. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 226**

**Public Concern: The BLM should protect the desert tortoise by translocating them away from human generated disturbances.**

Tortoise rescue and translocation has worked. Tortoise populations in Southern Nevada have increased in some study plots. I challenge the NEMO process to identify habitat for humans on a greater piece of the public land than the Preferred Alternative suggestions, and use tortoise translocation as mitigation. (Clark County Multiple Species Habitat Conservation Planning, Las Vegas, NV – #M336)

**PC #: 227****Public Concern: The BLM should implement desert tortoise breeding programs to mitigate population decline.**

For the sea turtles, they get the eggs, they raise them so they don't have no diseases, and then they put them out in the sea. Why can't we do the same with the desert tortoise? (Individual, No Address, – #M313)

Why can't you do a program like you do with the sea turtles and get their eggs, raise them, and put them back out in the wild? I think that would help a lot. The next one is if . . . if they are so damn important, then why don't we spend more time working to find a cure for the disease and do captive breeding programs . . . to bring their numbers up? They have in the past brought up the numbers of endangered species and threatened species. Why can't we do the same with the desert tortoise? (Recreational Group, No Address – #M346)

**PC #: 228****Public Concern: The BLM should set realistic population figures for desert tortoise recovery.**

According to the Fish and Game Website, there is supposed to be between 500,000 and 2 million tortoise. And what they say is, to bring them back that there should be around 250 tortoise per section. If you divide that out, that's two and a half tortoise per acre, and that's a pipe dream. (Individual, No Address – #M314)

**PC #: 229****Public Concern: The BLM should study the effects of climate change on the desert tortoise.**

Is the tortoise declining because the climate over the years has changed? . . . If I look back on my own lifetime . . . the climate right here in Ridgecrest in the 31 years we have lived here has changed. The tortoise's climate depended—because it's a herbivore. And it's totally dependent on rainfall for natural forage. Have you investigated that at all? (Individual, No Address – #M323)

**PC #: 230****Public Concern: The BLM should protect the desert tortoise from predation and disease rather than basing management actions on vehicle restrictions.**

It is agreed by all that desert tortoise populations should be conserved. However the current understanding of problems faced by the desert tortoise is very poor, and what science there is on the subject suggests that recent declines have been related to upper respiratory tract disease. Predation by introduced and subsidized species is probably the next most major problem. There is no evidence that use of vehicles on existing routes has any significant effect on desert tortoise population survivability, particularly in view of the fact that such routes occupy much less than 1% of the NEMO planning area. In fact, some of the healthiest desert tortoise populations are currently in the heavily vehicularized Fort Irwin area. The top priority on tortoise conservation should therefore be urgent research to find out the nature and causes of the problem so that management actions can be based on fact rather than anti-vehicular sentiment. For example, the proposal on page 1- 7 for "control of other sources of direct mortality from routes" through "management of numbers of routes and speed limits" implies that road kills on primitive routes is a significant problem, when in fact occurrence of such events is extremely rare to non-existent. (Individual, Mill Valley, CA – #M31)

If the raven is killing 40 percent of the juveniles so they can't reproduce, then shouldn't we be concentrating on the ravens instead of the OHV? (Individual, No Address – #M313)

**PC #: 231****Public Concern: The BLM should study the desert tortoise within already designated wilderness areas rather than restrict vehicle access to more land.**

What science there is on tortoise problems indicates that the causes of mortality are entirely unrelated to vehicle use, especially when confined to established routes. The creation of huge "Wilderness" areas offers unlimited opportunity for study of the tortoise's problems and recovery strategies without interfering with harmless visitor exploration of the remaining accessible desert. The creation of these vast, vehicle-free areas in the NEMO has



apparently not helped the tortoise population during the past 7 years, and it is extremely unlikely that further restricting the area's primitive road network would do so either. (Individual, Mill Valley, CA – #M31)

**PC #: 232**

**Public Concern: The CDCA Plan Amendment should state that cumulative impacts to tortoises from vehicles do not take place when vehicles are confined to roads.**

“Desert tortoises can be directly impacted by being crushed in burrows or on the surface, or indirectly impacted through habitat alteration (soil compaction, vegetation destruction or toxins from exhaust.” This allegation, to the extent that it is true at all, would also apply only to unlimited cross-country travel in open areas (possibly in such events as the no longer active Barstow-Vegas race), which is no longer practiced in the NEMO region. On primitive roads none of these effects apply, and the statement should be removed or qualified by adding “when not confined to roads.” The speculation about toxins from exhausts is based on nothing and is difficult to justify in any context. If pollution of the atmosphere in any form has any effect on tortoises (which is unknown), any toxin from exhausts in the NEMO area is probably far outweighed on any given day by the smog that drifts across the desert from LA and Las Vegas. (Individual, Mill Valley, CA – #M31)

**PC #: 233**

**Public Concern: The Final EIS should cite technical evidence to support the claims that declines in the desert tortoise population are being caused by habitat loss or will be reversed by the plan amendments being proposed.**

Appendix K. Management Situation Analysis Lacks Supporting Data. Appendix K states the need for revision of land use policies in the NEMO Planning Area is based largely on the listing of the desert tortoise, as threatened or endangered under the federal Endangered Species Act, tortoise population declines, and the recommendations of the 1994 Desert Tortoise Mojave Population Recovery Plan. The EIS Appendix K fails to cite any technical information indicating that declines in the desert tortoise population are being caused by habitat loss or will be reversed by the plan amendments being proposed. (p. K-1). b. Limit and Define Habitat Disturbance. The EIS at page 1-6 states that the alternatives developed address a consistent approach for permitted uses where limited and defined amounts of habitat disturbance is involved. However, the EIS provides no data regarding where habitat disturbance has occurred or the cause of such disturbance. The EIS implies that OHV activities disturb habitat, but no evidence is provided in support of this implication. c. Desert Tortoise Sources of Mortality. The EIS at page 1-6, discusses direct and indirect mortality of desert tortoises. According to the EIS, “Direct and indirect mortality are addressed through proposals to fence freeways and other major roads. In addition, control of other sources of direct mortality from routes is addressed within prime desert tortoise habitat . . .” In addition, the EIS says that alternatives “are developed to address mortality caused by raven predation on desert tortoises.” However, this assumes that routes and raven predation are the only causes of mortality in desert tortoises. The alternatives do not take into account disease (e.g., Upper Respiratory Tract Disease), which, according to the scientific literature, kills more desert tortoises than any other natural or human-related agent. Indeed, the EIS is inadequate on its face for failing to disclose that disease is the primary source of desert tortoise mortality and that the proposed NEMO Plan will do little to address this problem. The EIS also fails to assess the Plan's potential for encouraging the spread of URTD. This is a clear possibility given the Plan emphasis on removing barriers that separate existing Desert Tortoise populations. d. Overlapping Forage of Desert Tortoise and Cattle Unsupported. The EIS at page 1-6 states that there is an overlap in what desert tortoises and cattle eat and a limited amount of forage available on public lands during certain seasons and dry years. The EIS cites to no technical studies or other empirical data to support this statement. e. Desert Tortoise Susceptibility to Stressor Induced Mortality. According to page 1-6 of the EIS, desert tortoises are considered substantially more susceptible to mortality from stressors such as disease, drought, low nutritional intake, and air pollution when such stressors are compounded. Please identify the technical studies that support this statement. In addition, please identify any technical study that establishes OHV activity contributes to desert tortoise stressors. Finally, the EIS fails to explain/disclose that tortoises suffering from disease (e.g., URTD) become unusually susceptible to environmental stressors such as drought and forage competition. (Recreational Organization, San Diego, CA – #M67)



**PC #: 234****Public Concern: The Final EIS should clarify impacts of primitive roads on desert tortoise habitat within the NEMO area.**

Such scientific information as does exist even suggests that desert tortoise populations are actually healthier in high traffic areas like Fort Irwin compared to low traffic areas like the Desert Tortoise Natural Area. Overall, the clichés linking primitive roads to habitat destruction are greatly exaggerated, and by no means constitute a suitable basis for arbitrary closure of another thousand miles of roads in the NEMO area. (Individual, Mill Valley, CA – #M31)

## **Wildlife Management**

**PC #: 235****Public Concern: The BLM should restore Panamint alligator lizard habitat in Surprise Canyon by closing it to vehicle use.**

We fully support the closure of Surprise Canyon. We have been researching the Panamint alligator lizard (*Eigaria panamintina*). This canyon is one of our study sites. We have seen a beginning recovery of the riparian area since the closure. The flood of 4 September 2001 completely destroyed the road up most of the canyon, and deposited new gravel bars that will allow much natural colonization by riparian vegetation over what was once bare bedrock. Natural erosion repair will happen if the stream is kept free of vehicle traffic. (Individual, Death Valley, CA – #M56)

**PC #: 236****Public Concern: The BLM should protect the Amargosa pupfish by reducing vehicle use in the recreation segment of the Amargosa River bed.**

We urge the BLM to take immediate steps to reduce motorized use in the Amargosa riverbed in the Recreational segment to protect water quality and habitat for the sensitive Amargosa pupfish. (Individual, San Jose, CA – #M47)

Please protect water quality and habitat for the sensitive Amargosa pupfish by limiting OHV use in the Amargosa riverbed. Please be proactive in your dealing with the OHV crowd and help them understand what you are doing, why, and help them find other places to go. (Individual, Auburn, CA – #M83)

**PC #: 237****Public Concern: The BLM should develop a strategy for keeping burros out of Death Valley National Park.**

The NEMO plan fails to address the issue of burros adjacent to the western side of Death Valley NP. Several of the herd management areas adjacent to the park now have some percentage of their distribution inside the Park. In particular, the Lee Flat area is now mostly in Death Valley. The BLM needs to reduce the AML for this herd and develop a strategy for keeping burros out of Death Valley National Park. The NEMO plan needs to address the issue of burro trespass onto agency and private lands where their presence is unwelcome. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 238****Public Concern: The BLM should remove all burro and wild horse herds adjacent to National Park Service units.**

No occupied wild horse or burro Herd Management Areas (HMAs) should be located adjacent to NPS units. In particular, the Waucoba – Hunter Mountain HMA, which now occupies only the narrow strip of land between the Saline Valley Road and the White Mountains, should be eliminated. Any occupied HMAs adjacent to an NPS unit needs to be fenced to prevent horses or burros from inadvertently entering NPS lands. (U.S. National Park Service, Oakland, CA – #M42)



**PC #: 239**

**Public Concern: The BLM should protect habitat by removing burros and wild horses from desert ecosystems.**

Protection of the land includes the removal of burros and wild horses. While they have a sentimental aspect, they are extremely destructive to the desert ecosystem, especially in the vicinity of water sources. (Individual, Davis, CA – #M53)

We urge a zero-tolerance for burros area-wide and commend the current HMA target population levels of zero in Panamint Valley and the Slate Range. Our members have seen first-hand what burros do to habitat. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

**PC #: 240**

**Public Concern: The BLM should remove the Clark Mountain Burro Herd.**

ELIMINATE THE CLARK MOUNTAIN BURRO HERD – This herd competes for sometimes scarce resources with both cattle and tortoises. The BLM has proved unable to contain the herd numbers for any number of years to the allowed management levels. Since we are mostly in critical habitat here, it is time to remove the burro herd. (Preservation/Conservation Organization, Oakland, CA – #M76)

We endorse Alternative 2 – the elimination of the Clark Mountain Herd management Area (HMA) and the removal of all feral burros. While Alternative 3 allows some burros to remain in a reduced HMA, we do not prefer it because the burros will have a tendency to drift onto NPS lands in the Clark Mountain Unit of the Mojave National Preserve. This will be a continuous management problem that would be avoided by eliminating a marginal HMA with a small herd. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 241**

**Public Concern: The BLM should proportionally reduce herd size where Herd Management Areas have been reduced by the California Desert Protection Act.**

Where herd management areas have been reduced in size by the CDPA, there must be at least an equal reduction in herd size. We do not see this in the Plan. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 242**

**Public Concern: The BLM should phase out grazing allotments to reduce impacts to wildlife and habitat.**

Grazing allotments should be reduced, gradually phased out, and eventually retired to reduce impacts on wildlife and habitat. (Preservation/Conservation Group, Sacramento, CA – #M74)

**PC #: 243**

**Public Concern: The BLM should examine the effects on natural balance by manmade water sources and enhancements to support livestock and wildlife.**

Affected Environment – 3.6. Cattle Grazing: On page 3-23 a listing is given of the many forms of manmade water sources and enhancements designed to support livestock and wildlife. These are probably one of the main problems facing the restoration of natural balance between the area's species and means should be investigated to prevent all non-native birds, bats etc. from using them. (Individual, Mill Valley, CA – #M31)

What is the BLM's intent under Alternative 2 (or the other alternatives either) regarding the construction/maintenance of artificial water sources? We ask what studies have been done on this issue. We realize current land managers inherited this question along with the whole problem of coping with exotic species and reintroduction of native ones. Still, the question remains. We wonder if guzzlers favor one species over another or game species over no-game wildlife. We are curious too what the effects are of discontinuing an artificial or modified water source; it's unclear what the "natural state" or even desirable state is. What do these constructions do to plant communities? (Preservation/Conservation Group, Ridgecrest, CA – #M78)

One of the things that concerns me greatly is guzzlers, wildlife guzzlers. I think this is a tricky problem; because I don't know if we have data on the effects of guzzlers and what species are favored or not favored and whether they

are native species or exotic. That information, I think, is important, inasmuch as you are able to do that within your mandate. (Individual, No Address – #M330)

**PC #: 244**

**Public Concern: The CDCA Plan Amendment should recognize and maintain sky island ecosystems that harbor relictual species.**

The BLM should recognize and maintain montane sky islands such as the Panamint Mountains, that harbor a variety of relictual species. (Individual, Death Valley, CA – #M56)

**PC #: 245**

**Public Concern: The BLM should ensure that route densities meet criteria for critical habitat needs.**

The final plan should designate vehicle routes throughout the NEMO area and ensure that route densities meet criteria for critical habitat needs. (Preservation/Conservation Organization, Sacramento, CA – #M74)

BLM should designate routes NEMO area-wide through its final plan. Routes should be closed and revegetated so densities are no higher than 18 mi./twp. on critical habitat, and 24 mi./twp elsewhere. (Preservation/Conservation Organization, Tucson, AZ – #M71)

**PC #: 246**

**Public Concern: The CDCA Plan Amendment should restrict car camping within critical habitat to previously disturbed sites no more than 15 feet from designated routes.**

On critical habitat, car camping should be restricted to previously disturbed sites no more than 15 ft. from designated routes. (Individual, Berkeley, CA – #M58)

**PC #: 247**

**Public Concern: The Final EIS should comply with the directions of the Ninth Circuit Court regarding designation of areas for wildlife protection.**

NEMO DOES NOT COMPLY WITH THE COURT'S DIRECTION: BLM was required to prepare an EIS in accordance with the direction of the Ninth Circuit. The Ninth Circuit, in the way of instruction, provided a lengthy brief delineating exactly how any subsequent EIS for the designation of new areas for the preservation of wildlife would have to be prepared. (State of California v. Block (C.A.9 1982) 690 F.2d 753). As such, we and I incorporate that case, State of California v. Block, in full, in this letter and by said reference make it fully a part hereto. BLM completely failed to comply with the edicts of the Ninth Circuit in the preparation of the NEMO DEIS. For this reason, the NEMO Draft EIS is wholly inadequate as an informative document and, as such, it cannot therefore be processed. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 248**

**Public Concern: The BLM should not use road closures and other vehicle restrictions as a tool for limiting growth of coyote and raven populations.**

The statement (page 4-98) that the road network promotes "raven and coyote populations by providing road kills used as food, the distribution of exotic plants and weeds and the associated fire occurrence potential" is a stretch of the imagination. The incidence of road kills on the type of primitive roads in the NEMO area is minimal. By far the largest factors allowing ravens and coyotes to survive in the area are the guzzlers and other man-made water sources, subsidizing non-desert adapted species. (Individual, Mill Valley, CA – #M31)



## Human Environment, Recreation, and Travel

### Recreation and Access

#### PC #: 249

#### **Public Concern: The BLM should ensure continued opportunities for multiple-use recreation within the CDCA planning area.**

We are greatly concerned about the significant reduction of multiple-use and OHV recreation opportunities. We are opposed to any proposed action that further contributes to a significant cumulative impact on multiple-use and OHV recreationists. Recreation opportunities for multiple-use and OHV recreationists are being significantly reduced at a time when the need for these categories of recreation is growing. (Recreational Organization, Helena, MT – #M73)

I hunt, fish, boat, hike, dirt bike, and pay a large sum of taxes. I am appalled at the amount of public land closures that I experienced over the last few years. I STRONGLY OPPOSE ANY FURTHER PUBLIC LAND CLOSURES! (Individual, La Habra, CA – #M22)

I am fortunate to have had an opportunity to explore our desert, when there was vehicle access. I am a senior citizen with a modest disability, and your new land designations now prevent me (and others with similar disabilities) from any reasonable access. Please leave the desert open and accessible to everyone. There are still many areas that I would really like to be able to explore. (Individual, Twentynine Palms, CA – #M39)

#### **HORSEBACK RIDING**

Horseback riding and horses have been on this land many, many years. A low impact designation or restoring this classification versus high-impact recreational use should be done and ALL recreational pursuits enhanced, protected, maintained, and promoted, NOT DELETED! We need to be very careful of the intent of certain other groups that want to outlaw any uses upon land designated for such. Tax money goes to this land and the people wish for their recreational uses to continue. Many types of trail users, Off-Road Vehicles, Horseback Riders, hikers, etc., build and maintain trails. Without them, who would do this extra volunteer work for the Forest Service and BLM? (Individual, Stevenson Ranch, CA – #M14)

There is more to lose than land. A way of life and an understanding of who we are is also at stake. Horsemanship is important to our country's history and lore. It teaches us responsibility and stewardship and how to care for another life form. When we protect this, it enriches our communities. (Individual, No Address – #M24)

#### PC #: 250

#### **Public Concern: The CDCA Plan Amendment should establish that a greater number of roads and trails be left open for recreational use.**

The BLM selected too few recreation facilities to remain open. BLM allowed a token number of roads and trails to remain open, thinking that this would be sufficient to comply with the multiple use requirements of the FLPMA. Multiple use does not mean token use. Nor does it imply that decisions regarding recreation can be made in an arbitrary and capricious manner. PLP and CORVA have insisted that BLM use the objective set of criteria that they provided in designing an adequate and quality outdoor recreation system for OHV use. Not only did BLM ignore these groups and their objective criteria but, they have failed to use any method, whatsoever, for selecting OHV trails and areas. The trails that have been selected do not and would not qualify as OHV trails. Instead they are merely access roads which are for access to private properties and not for recreation; and, especially not for OHV recreation. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

#### PC #: 251

#### **Public Concern: The BLM should ensure recreation access to public lands in spite of private inholdings.**

Insure that access to trails is not blocked by private lands and that private landowners do not have special access privileges. Where private landowners have elected to block public access to public lands, the boundary between that landowner and public land should be closed to motorized access ("boundary closure"). Motorized access for the public on the public lands side should remain open to the boundary closure and the acquisition of public right-of-



way should be pursued with the private landowner. Agencies should work to keep motorized access through private land open to the public. In too many cases motorized access for the public through private land has been closed and not challenged or protected by asserting legal right-of-ways. The cumulative impact of this lack of action has created private motorized reserves on public lands or defacto wilderness/non-motorized areas. (Recreational Organization, Helena, MT – #M73)

**PC #: 252****Public Concern: The BLM should improve availability and quality of public information regarding travel plans on public lands.**

Travel Plan maps should be made more readily available. Vending machines could be placed in areas that are accessible at any time of the day or week at Bureau of Land Management and Forest Service offices. All National Forest Service and BLM Travel Plan maps should be of the same format and easy to read. The Travel Plan map and Forest. Visitors map should be the same. All forest visitors need to clearly understand what areas, roads or trails are open for motorized travel and what areas, trails, or roads are closed to motorized travel. Current maps lead to misunderstandings from both non-motorized and motorized visitors. There needs to be a standard signing convention that is more understood. For example, there are often misunderstandings about seasonal motor vehicle restrictions due to the “No” symbol with the actual closure period shown below in small text that is often not seen or understood. In this case, the road or trail is open except during the period below. There needs to be better coordination between adjoining National Forest and BLM lands when making maps, laying out trails, and establishing travel plans. Many times a trail is open in one jurisdiction but becomes closed when crossing over the boundary to another jurisdiction resulting in an overall loss of motorized recreation opportunity. (Recreational Organization, Helena, MT – #M73)

**PC #: 253****Public Concern: The Final EIS should use positive language to describe recreation use goals.**

“Minimize conflicts” between users —would be better stated positively —e.g. enhance cooperation between users, and encourage sharing of primitive trails and areas. The implication of the present statement is that it is the vehicles that would be eliminated if there were a “conflict” —not the other users. (Individual, Mill Valley, CA – #M31)

**PC #: 254****Public Concern: The BLM should hold public forums to address concerns of local residents regarding land-use management decisions.**

WHEREAS, the Inyo County General Plan states, by policy, the opposition to any net loss of privately owned property and attendant property tax revenues; and WHEREAS, the existing dearth of privately owned property, in concert with restrictive development standards, constrains the County of Inyo from generating sufficient revenues to provide services to its citizens and visitors. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Inyo, State of California the concerns identified by the Board and its comments concerning the DEIS and NEMO are as follows: Determination of future route designations that are deferred in said documents to future proposed actions and NEPA documents should be discussed and determined in a public forum to ensure the concerns of Inyo County, its residents, and public lands users are adequately addressed. (Inyo County Board of Supervisors, Independence, CA – #M37)

**PC #: 255****Public Concern: The BLM should consider the needs of local residents when making land-use decisions.**

There are tens of thousands of public land visitors who use motorized access for sightseeing, exploring, weekend drives and picnics, hiking, skiing, mountain biking, riding horses, camping, hunting, fishing, viewing wildlife, snowmobiling, gathering firewood and natural foods and physically challenged visitors who must use wheeled vehicles to visit public lands. The cumulative needs of these local residents and forest visitors must be accurately quantified and considered in the decision making. (Recreational Organization, Helena, MT – #M73)



**PC #: 256**

**Public Concern: Alternative 2 of the Final EIS should provide an accurate evaluation of recreation impacts from proposed measures to protect the desert tortoise.**

Chapter 4: Environmental Consequences: 4.2.2. Desert Tortoise Alternative 2. Impacts to Recreation Resources and Activities: It is stated that the more severe restrictions misguidedly imposed by this alternative “do not appreciably affect opportunities? especially those that do not directly involve the casual use of motorized vehicles”. This statement should be deleted and replaced with a more truthful one. It is correctly admitted elsewhere in the report that almost all desert recreation involves access by motorized vehicles. Similarly, the restriction of camping to 50 feet instead of 300 ft from the roadway is a drastic measure, which reduces by a factor of 6 the area available for camping. It should not be glossed over with the statement, “This is not a major impact. . .” (Individual, Mill Valley, CA – #M31)

**PC #: 257**

**Public Concern: The BLM should consider equally the impacts from various recreational activities.**

Motorized recreationists gave up cross-country travel opportunities as part of the Three-State OHV and National BLM Record of Decision. This lost opportunity included instances such as retrieval of big game and trials bike riding where cross-country travel was generally acceptable. If the concern over the creation of motorized trails by cross-country travel is environmentally unacceptable, then it should also be applied equally to cross-country hiking and mountain climbing. Cross-country hiking and mountain climbing also create trails that provide visible evidence on the landscape of mankind’s existence. For that matter, non-motorized trails and motorized trails are often equal in visual and resource impact. (Recreational Organization, Helena, MT – #M73)

**PC #: 258**

**Public Concern: The Final EIS should evaluate impacts to Desert resources resulting from proposed dispersed recreation limits.**

The preferred Bureau of Land Management and Forest Service Travel Plan Alternative must avoid restricting public access to narrow corridors along a few major roads. The current trend to restrict public access to narrow corridors in the forest will concentrate over 90% of the forest visitors to less than 10% of the forest area. This trend is occurring in all of our National Forests. The cumulative impact from concentrating forest visitors to narrow corridors is not reasonable management of our public lands and access to our public lands. The document must evaluate the cumulative impacts from management goals that concentrate visitors and eliminate dispersed recreation opportunities including impacts to quality of recreation, diversity of recreation, equal allocation of recreation opportunities, wildlife, trails, erosion, vegetation, and reduced recreation opportunities for motorized visitors. (Recreational Organization, Helena, MT – #M73)

**SAFETY IMPACTS**

Safety impacts also escaped the attention of the EIS preparers. By shutting down hundreds of miles of OHV routes and thousands of acres of OHV recreation sites, the NEMO Plan will force more and more OHV users onto smaller and smaller areas, increasing the potential for accidents and other public safety problems. The situation is even more dire when one considers the incredible number of closures BLM has implemented or intends to implement across the entire desert. The combined effect of these closures is to restrict hundreds of thousands of OHV enthusiasts to a fraction of the area they have traditionally used. Not only does this diminish the recreational and aesthetic experience of the families who visit the desert with their OHV s, it will inevitably lead to conflicts between users and safety problems. What BLM has proposed- through the NEMO Plan, the NECO Plan and the various other desert closures- is a subtle but effective program to herd OHV users onto small “OHV ghettos,” leaving the rest of the desert open only to those who engage in the kind of recreation preferred by BLM (namely, endurance hiking and backpacking). (Recreational Organization, San Diego, CA – #M67)

**PC #: 259**

**Public Concern: The Final EIS should analyze state-wide cumulative recreation impacts resulting from proposed management activities.**

The environmental document must consider the following visitor profiles in addition to OHV enthusiasts as motorized visitors who use roads and trails in the forest. People out for weekend drives, sightseers, picnickers, campers, hunters, fisherman, snowmobile enthusiasts, woodcutters, wildlife viewing, berry and mushroom pickers, equestrians, mountain bikers, and physically challenged visitors who must use wheeled vehicles to visit our public lands. The cumulative impact of all statewide-motorized closures on all of these visitors must be included in the environmental document. A statewide analysis is required because cumulative effects are forcing motorized visitors to travel farther and farther to fewer and fewer places to find motorized access and recreation opportunities. (Recreational Organization, Helena, MT – #M73)

**PC #: 260**

**Public Concern: The Final EIS should contain a corrected version of the No Action alternative showing the Mojave National Preserve location.**

Alternative 1 (No Action) does not account for the establishment of the Mojave National Preserve which has interrupted the B-to-V Race Course route. A corrected No Action alternative would be the B-to-V Race Course route with a gap where the Preserve is located. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 261**

**Public Concern: The BLM should clarify language in section 3.13.9 of the Draft EIS.**

Chapter 3: Affected Environment—3.13.9. Motor Vehicle Access: Route of Travel: Thank you for mentioning that “many of the desert’s loveliest and most fragile resources can only be enjoyed by use of vehicle access routes”. However it is not clear what is meant by “but these routes are quickly destroyed if vehicles travel everywhere”. (I assume this means cross-country trail blazing, which should be prohibited). (Individual, Mill Valley, CA – #M31)

**PC #: 262**

**Public Concern: The BLM should not close proposed recreation facilities as this would violate the Outdoor Recreation Act of 1963.**

NEMO violates the Outdoor Recreation Act of 1963. NEMO proposes to close an undisclosed number of outdoor recreation facilities and areas. We and I estimate that NEMO proposes to close approximately 96 percent of all previously dedicated outdoor recreation facilities and areas throughout the CDCA. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

## **Motorized Recreation**

**PC #: 263**

**Public Concern: The Final EIS should provide discussion of current trends regarding the reduction of motorized recreation opportunities on public lands.**

Motorized Recreation is recognized as one of the fastest growing activities on the federal lands within this country yet recreation opportunities for motorized recreationists are always being reduced. Motorized recreationists have suffered huge cumulative impacts in the form of motorized road, trail and area closures. Motorized visitors are being systematically removed from the majority of the National Forest. National Forests are largely becoming a “National Forest Park” or “exclusive-use” areas at the expense of multiple-use recreationists. What ever happened to “Multiple-Use” and the “Land of Many Uses” and “National Forest lands are managed for the greatest good for the greatest number of people. . .” as envisioned by the first Forest Service Chief, Gifford Pinchot? The document must address these trends and the issues that surround them and restore reasonable management and decision-making to our National Forests. (Recreational Organization, Helena, MT – #M73)



**PC #: 264**

**Public Concern: The Final EIS should provide analysis of public demand for motorized recreation.**

The motorized roads and trails proposed for closure are, for the most part, primitive roads and trails that provide the ideal experience sought by motorized visitors. The environmental document must adequately evaluate the type and quality of experiences that motorized visitors enjoy and want maintained in the area. (Recreational Organization, Helena, MT – #M73)

**PC #: 265**

**Public Concern: The BLM should thoroughly analyze impacts from proposed route closures to motorized recreation throughout the CDCA planning area.**

The EIS Fails to Evaluate and Disclose the NEMO Plan's Individual and Cumulative Impacts On Recreation  
Although the NEMO Plan proposes to close numerous OHV routes and restrict activity on many others, the EIS fails to assess the impacts of these closures and restrictions on recreation. Incredibly, the EIS does not identify the name, length, and location of each OHV route and play area that will be affected by the NEMO Plan. Worse, the EIS fails to evaluate how many OHV users will be affected by the closures and route "redesignations." Nor does the EIS examine where these displaced OHV users will go to fulfill their recreational needs once the NEMO closures/redesignations go into effect. (Recreational Organization, San Diego, CA – #M67)

**PC #: 266**

**Public Concern: The Final EIS should include an analysis of cumulative impacts to motorized recreation.**

The most glaring defect of the EIS is its failure to analyze, disclose and mitigate the cumulative recreation impacts of the NEMO Plan, NECO Plan and the ten "interim" closures BLM has implemented throughout the CDCA. The absence of a cumulative impacts analysis constitutes a violation of NEPA and renders the EIS invalid as a matter of law. (Recreational Organization, San Diego, CA – #M67)

The cumulative impact of lost multiple-use and recreation opportunities (in acres of unrestricted area and miles of roads and trails) by all past decisions including forest management plans, and the creation of wildlife areas, wilderness, Roadless, and non-motorized areas has not been adequately recognized. We have not seen the agencies tabulate the amount of motorized recreational opportunity lost during the past 30 years. We have experienced the cumulative loss first hand. We estimate that today's motorized recreational opportunities are less than 50% of the level available in 1970. This is a significant cumulative impact. The evaluation in the document and the decision-making must document the cumulative impact of all past actions and the resulting cumulative impact. The cumulative loss in miles, acres, and quality of motorized recreation and access opportunities in our public lands must be adequately and accurately documented and evaluated in the environmental document and decision-making as required under 40 CFR 1508.7 and 1508.25, and guidelines published by the Council on Environmental Quality "Considering Cumulative Effects Under the National Environmental Policy Act." (Recreational Organization, Helena, MT – #M73)

**PC #: 267**

**Public Concern: The Final EIS should analyze cumulative impacts associated with loss of motorized cross-country travel opportunities.**

Why are non-motorized trails acceptable and motorized trails not acceptable? This position is commonly used to eliminate motorized recreation opportunities and demonstrates that the impacts of non-motorized recreation opportunities are not evaluated with the same criteria used to justify elimination of motorized recreation opportunities. The document must evaluate the cumulative impact associated with the loss of motorized cross-country travel opportunities. (Recreational Organization, Helena, MT – #M73)

**PC #: 268**

**Public Concern: The Final EIS should address the cumulative effect of closing routes within a loop trail system.**

The preferred alternative cuts off access to motorized looped trail systems, destinations, and motorized access areas located outside the project area. The cumulative effect and lack of motorized access to loop trail systems and destinations outside of the project area has not been adequately considered in the decision-making. (Recreational Organization, Helena, MT – #M73)

**PC #: 269**

**Public Concern: The Final EIS should contain an analysis that compares the number of miles and acres available for non-motorized recreation versus the number of miles of roads and trails available for motorized recreation.**

The process must evaluate and identify how many miles of OHV trails are available to motorized recreationists in our public lands versus the miles of trails and acres of cross-country travel opportunities available to non-motorized visitors. (Recreational Organization, Helena, MT – #M73)

**PC #: 270**

**Public Concern: The BLM should consider the exploration and solitude values provided by motor vehicle travel.**

1.3.9 Motorized Routes of Travel Designations: High on the list of “values” of the lands and roads under discussion should be their value for exploration and solitude. The remote roads leading nowhere in particular are a major attraction for explorers and visitors who appreciate the remoteness and allure of the desert. It is recommended that Exploration and Solitude Values (or similar terminology) for visitors in vehicles be added prominently to the list of values being considered for conservation. The legal problems of route designation are mentioned below. (Individual, Mill Valley, CA – #M31)

**PC #: 271**

**Public Concern: The BLM should recognize that most travel on primitive and four-wheel drive roads is light.**

(Page 3-64, regarding primitive and 4WD routes) “Overall, use on most of these routes is light.” This fact should be borne in mind in other sections when making it sound as if heavy vehicle traffic is trampling the “fragile” environment underfoot. (Individual, Mill Valley, CA – #M31)

**PC #: 272**

**Public Concern: The Final EIS should provide clarification between various types of off-road vehicle use.**

In many places in the report, the impacts of off-road vehicles are stated as if they are in an OHV Open Area such as the Razor Open Area. (E.g.: “Off-road vehicle use (OHV) can have impacts similar to grazing. . . destruction of biological soil crusts, compaction of soils, destruction of vegetation, reduced rates of water infiltration, increased wind and water erosion, noise, and decreased abundance of lizard populations and other wildlife species. Desert Tortoises can be directly impacted by being crushed in burrows or on the surface, or indirectly impacted through habitat alteration (soil compaction, vegetation destruction or toxins from exhaust.” (page 4-98). All such statements throughout the report should be amended by adding “when not confined to existing routes” or some such wording, to distinguish between the two totally different uses of vehicles. In the NEMO area, vehicle travel occurs only on established routes, with impacts that are so small as to be negligible. Statements on impacts should be modified accordingly throughout the text. (Individual, Mill Valley, CA – #M31)



**PC #: 273****Public Concern: The BLM should inventory and preserve existing motorized routes.**

A fair process would start with a comprehensive inventory of all existing motorized routes. Then, in order to avoid further cumulative loss and significant impact on motorized access and recreation opportunities, the travel plan process must include a preferred alternative based on preserving all existing motorized routes. (Recreational Organization, Helena, MT – #M73)

**PC #: 274****Public Concern: The BLM should restrict motorized use to designated areas.**

At present most of the planning area is classified as “open” to vehicular traffic. We would propose that the only open areas be those that have already become “play areas” and are severely degraded. Recognize these as “sacrifice” areas and move to protect the remainder by limiting vehicle travel to existing roads and trails, with the understanding that in future that virtually all vehicle routes will have to be “designated” so that there is no cross-country vehicle travel. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 275****Public Concern: The BLM should educate the public on appropriate motor vehicle use in the desert.**

It will be imperative to have a public education campaign to inform people on responsible vehicle use. (Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 276****Public Concern: The BLM should ensure that certain routes remain open to motorized use.****LOWER AMARGOSA CANYON**

Chapter 4: Environmental Consequences—4.11. Wild and Scenic River Eligibility: If WSR designation of the Amargosa leads to closure of the vehicle routes up the lower Amargosa Canyon from Dumont to Sperry, and up Sperry Wash, it is not appropriate. This is a historic route first established at least 60 years ago for mining purposes and is now one of the most attractive and remote 4WD routes in the NEMO area. The vehicle route crosses the Amargosa several times on the way up to Sperry, and provides viewing of areas of extreme natural beauty as well as the remains of the T & T railroad grade and Sperry siding. Please ensure that this route is preserved for future 4WD visitors seeking remoteness, solitude, history and beauty. (Individual, Mill Valley, CA – #M31)

Proposed closure of all routes within 1/4 mile of water sources: Would this include the route from Dumont Dunes to Sperry, and Sperry Wash—currently the only practical way for most people to visit the T & T roadbed] and remains in the Amargosa Canyon area? (Place-Based Organization, Mill Valley, CA – #M30)

**MINERAL HILL**

MINERAL HILL: Road 699608 is open but the access roads to it are closed. One or more access roads (699605 and 699245) should be open to provide hunter/recreation access to 699608. Roads 699944 and 699945 should be left open to provide hunter/recreation access. (Individual, Las Vegas, NV – #M33)

**PACHALKA SPRING**

PACHALKA SPRING: Road 699621 provides access to quail guzzler B-175. This road should remain open for water source access. (Individual, Las Vegas, NV – #M33)

**TURQUOISE MOUNTAIN**

TURQUOISE MT: Road 699571 provides access to quail guzzler B-161. This road should remain open for water source access. (Individual, Las Vegas, NV – #M33)

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CLARK MOUNTAIN

CLARK MT: Road 699256 provides nearest access to burro springs. This road should remain open for water source access. Road 699193 provided nearest access to Hackberry Springs. This road should remain open for water source access. Road 699233 provides access to quail guzzler B-181. This road should remain open for water source access. (Individual, Las Vegas, NV – #M33)

## TWENTY-MULE TEAM ROAD AND OLD TRACTION ROAD

It is hoped that the identification in this section of the Twenty-Mule Team Road (which I have traveled), and the Old Traction Road as “areas of concern” does not mean they are targeted for closure. The only hope of keeping such routes in being is to continue using them; otherwise they will rapidly become overgrown and eventually lost. (Individual, Mill Valley, CA – #M31)

**PC #: 277**

**Public Concern: The CDCA Amendment should ensure the off-highway vehicle exclusion barrier does not interfere with the vehicle route to Sperry and up Sperry Wash.**

4.12 Cumulative Impacts: Under 1.b.(6) where is the “OHV exclusion barrier?” Please make sure it does not interfere with the vehicle route up the Canyon to Sperry and up Sperry Wash. (Individual, Mill Valley, CA – #M31)

**PC #: 278**

**Public Concern: The BLM should clarify designated route proposals for the Amargosa Canyon Area.**

A special note should be made here of the proposals for the Amargosa Canyon area. The maps and descriptions of the affected area are difficult for me to follow, and I urge that they not include the lower Amargosa Canyon or Sperry Wash. Any designation of ACEC or WSR should not be made if it interferes with the long-established vehicle routes up this lower canyon and Sperry Wash—perhaps one of the most beautiful experiences in the NEMO inventory of 4WD roads. This experience should be preserved for *the public, not from the public*. (Individual, Mill Valley, CA – #M31)

**PC #: 279**

**Public Concern: The Final EIS should allow continued motorized access into Amargosa Canyon.**

**Wild and Scenic River Proposal.** The area being considered for this designation includes the lower Amargosa Canyon. It would eliminate most public access to this area of unique beauty and historical values. Only the most physically fit and those willing to disregard the law will be able to reach it. **Amargosa Vole ACEC.** Would the designation an Amargosa River ACEC to protect the Amargosa Vole affect public visitation of the T&T [Tonopah & Tidewater Railroad] roadbed via the road up the lower Amargosa Canyon and Sperry Wash? Many of our members are older or otherwise not able to hike long distances through the desert. Motor vehicles provide their only practical method of accessing this and other parts of the old railroad remains. (Individual, Riverside, CA – #M10)

**PC #: 280**

**Public Concern: The BLM should allow motor vehicle access in Surprise Canyon.**

Motor Vehicles should be allowed in Surprise Canyon. (Individual, Pasadena, CA – #M52)

**PC #: 281**

**Public Concern: To protect river resources, the BLM should prohibit motorized travel south from Sperry Wash to Dumont Dunes.**

We endorse the proposed designation of the Amargosa River as Wild and Scenic. But we are flabbergasted that you are not using this designation opportunity to extend wild and scenic, off limits to motorized traffic protection south from Sperry Wash to Dumont Dunes. There is no way BLM will ever be able to protect that stretch of the river and its flora and fauna from damage by off road vehicles, no matter how many signs you erect or how cleverly you



design river crossings. Experience shows this: why not face the fact now? We are aware that this “cherry-stem” section was the result of a long-ago political compromise but now (the bad) history is in hand. Don’t you think your primary responsibility now is protection of this fragile and threatened ecosystem? If you don’t think so why don’t you propose opening the upper canyon to A TVs as well? If you fail to protect the river all the way through the Amargosa Canyon what do you think the odds are that sooner or later you will face a lawsuit to do so? (Individual, Tecopa, CA – #M9)

**PC #: 282**

**Public Concern: The BLM should allow motor vehicle access in Dumont Dunes.**

The Dumont Dunes SHOULD REMAIN OPEN TO Off Highway Vehicles. OHV use is a legitimate use of OUR public land. There is no legitimate reason to close these dunes. (Individual, Pasadena, CA – #M52)

**PC #: 283**

**Public Concern: The BLM should prohibit off-road vehicle access in Dumont Dunes.**

As you might have guessed we are opposed to off road vehicle use on Dumont Dunes as wee. We know that BLM has strong ties to the ATV industry on this issue and we would be dreaming to think that your office is even considering the increasingly negative affects of the environment that are occurring at Dumont Dunes. However the national trend on restricting motorized recreation should indicate to you that someday ATV use at Dumont will be a hot potato. It may come sooner than BLM thinks, so you might consider how you want to position yourself so that you honestly can represent yourself to the public as “the good guys.” (Individual, Tecopa, CA – #M9)

**PC #: 284**

**Public Concern: The BLM should ensure that all existing trails remain open for motorized recreation.**

Avoid all road and trail closures based on wildlife concerns except where negative wildlife impact can be specifically identified and documented. Motorized use on existing trails has little or no verified effect on game animal welfare. In fact, some of the areas more intensely visited by motorized visitors have experienced significant increases in wildlife populations, further substantiating the fact that motorized recreation does not in itself create a significant impact on wildlife. Trails should not be completely closed for wildlife concerns if those concerns are valid for seasonal reasons only. These closures should be seasonal only with the dates consistent with the requirements to protect wildlife. Trail closures should not be associated with other actions including timber sales, mining, and livestock grazing. Corrective action should be taken where trail closures in the past have resulted from these sorts of past actions. Loss of motorized trails as a result of past timber sales should be mitigated by connecting old and new travel ways to create a loop trail system. Other actions such as timber harvest, mining, and livestock grazing should guarantee the re-establishment and/or relocation of all trails and roads disturbed by these activities. Align non-motorized area boundaries so that they do not encroach or eliminate trails located at the edge of the boundaries. Provide for motorized trails and vista points on the boundaries outside of the non-motorized areas so the motorized visitors can view those areas. In order to be equitable, the agencies must avoid the closure of trails to motorized use as the “easy way out” in dealing with problems. Land managers should recognize that many roads and trails were not originally laid out with recreation in mind and that changes should be made in some road and trail segments to address environmental and safety problems. In most cases, if not all, these sorts of problems can be mitigated to a reasonable level and closures can be avoided. (Recreational Organization, Helena, MT – #M73)

**PC #: 285**

**Public Concern: To ensure continuing motorized recreation opportunities, the BLM should create new trails when existing trails are closed.**

We are greatly concerned about the management trend in our National Forests that has significantly reduced or eliminated motorized recreation and access opportunities. The closure of any existing motorized trail will add to the significant cumulative loss of motorized recreation and access opportunities that has occurred in our public lands during the past 30 years. In order to avoid contributing further to the significant cumulative loss of motorized

recreation and access, the closure of a motorized trail or access must be offset by the creation of a new motorized trail or access of equal value. (Recreational Organization, Helena, MT – #M73)

**PC #: 286****Public Concern: The BLM should maintain and expand the existing trail system in the CDCA planning area.**

Maintain availability of existing trail system to motorized visitors. Maintain all existing trails on the trail inventory. Return trails that used to be on the Bureau of Land Management and Forest Service trail inventory to the present inventory. Add existing trails to the Bureau of Land Management and Forest Service trail system that are not now on or have not been on the trail system. The maximum amount of trails should be made available in order to disburse all forms of trail use and thus minimize impacts to trail users. (Recreational Organization, Helena, MT – #M73)

**PC #: 287****Public Concern: The Final EIS should ensure that opportunities for motorbike recreation will continue.**

Provide motorized recreation opportunity for open or play areas and trials bikes in selected places where acceptable. Motorcyclists enjoy riding single-track trails. Motorized single-track recreation trails are limited at this time and continue to be eliminated. Some BLM and Forest Service travel plans do not differentiate between ATV and motorcycle trails. Travel plans should differentiate between ATV and motorcycle trails and single-track trails that are not appropriate for ATV use should be kept open for motorcycle use. (Recreational Organization, Helena, MT – #M73)

**PC #: 288****Public Concern: The BLM should provide loop trails on public lands for motorized recreation.**

Provide opportunity for “motorized loop trail systems” to lessen impact and provide a better recreational experience. Allow use of specific roads for OHVs that are not licensed for the street in order to develop a system that ties OHV trails together. (Recreational Organization, Helena, MT – #M73)

**PC #: 289****Public Concern: The BLM should consider mitigation measures prior to motorized use restrictions.**

Concern with sound can be mitigated by establishing a reasonable decibel limit for exhaust systems. States such as California and Oregon have enacted sound emission limits. Public land-use agencies could establish reasonable sound limits and use this approach to address the sound level issue. Why hasn't this been done? This solution is more equitable than closures. This issue must be addressed in the document and decision-making. . . . The Forest Service Stream Systems Technology Center has found, in a paper published in the July 2000 issue of Stream Notes, that roads and trails can easily be hydrologically disconnected from streams. Therefore, the sedimentation concerns can be easily mitigated and must not be used as a reason to justify motorized recreation and access closures except in significant cases that cannot be adequately mitigated. (Recreational Organization, Helena, MT – #M73)

**PC #: 290****Public Concern: The Final EIS should include mitigation measures to reduce impacts to off-road vehicle recreation.**

The EIS Proposes Inadequate Mitigation for the NEMO Plan's Impacts on Recreation. Because the EIS fails to meaningfully assess the NEMO Plan's impacts on OHV use and other recreational pursuits, it also fails to provide adequate mitigation for those impacts. Despite closing a multitude of OHV routes and restricting the use of many others, the NEMO Plan includes no new routes to compensate for these losses. Nor does the EIS explain why alternative routes could not be identified and incorporated into the Plan. Given that FLPMA requires BLM to provide for OHV recreation, and given that NEPA requires BLM to develop and consider feasible mitigation



measures to reduce all foreseeable impacts, the lack of mitigation for recreation losses constitutes a violation of both of these statutes. (Recreational Organization, San Diego, CA – #M67)

**PC #: 291****Public Concern: The BLM should prosecute motorized vehicle users who violate the law instead of limiting recreation opportunities for everyone.**

When I say maintained, I mean trash is picked up, large holes are filled back in so we can continue to use these trails. Nobody is out there-99 percent of the people out of the population that use these roads are not out off blazing their own trails or just running over creosol bushed or cacti or tortoises, for that matter. You will have the one percent that will think that they are the rebels that will blaze their own roads, and I think BLM and the public officers need to persecute those people, but those people should not wreck it for users like us that are conservationist using the land, enjoying the land. (Individual, No Address – #343)

**PC #: 292****Public Concern: The BLM should not use noise from motorized vehicles as a reason to limit motorized activities.**

A study of sound levels from OHV use was found to be less than the background noise of the wind in treetops (Nora Hamilton, Mendocino National Forest, memorandum to the file, November 17, 1992). Absolute quiet is not a reasonable expectation. Sound from motorized sources such as airplanes exists even in the most remote areas. It is not reasonable to expect absolute quiet in areas intended for multiple-use by the public. The sound level of motorized recreation use is not greater than natural sounds, and therefore, sound level must not be used as a reason to justify motorized recreation and access closures. (Recreational Organization, Helena, MT – #M73)

**PC #: 293****Public Concern: The BLM should ensure adequate trail signing and maintenance along travel routes.**

Utilize consistent trail signing and marking so that the public is not confused. Trails closed unless otherwise marked open are not reasonable. Trails, when closed, should be signed with an official, legitimate reason. Utilize all trail maintenance and upgrading management techniques, such as, bridging, puncheon, realignment, drains, and dips to prevent closure or loss of motorized trail use. Trails should not be closed because of a problem with a bad section of trail. The solution is to fix the problem area or reroute the trail, not to close it. If funding or manpower is a problem, then other resources should be looked to including local volunteer groups, state or national OHV funding. The utilization of State Trail Ranger Programs through the State OHV Fund, as well as volunteer trail maintenance programs should be pursued further and increased. Trails should be cleared early in the year to insure maximum availability and reduction of diversion damage caused by routing around obstacles. (Recreational Organization, Helena, MT – #M73)

**PC #: 294****Public Concern: The CDCA Plan Amendment should establish that all government vehicles are restricted from entering areas closed to private motor vehicles.**

If areas are shut down to the four-wheel drive community, then I expect all government vehicles, four-wheel drive vehicles in that area to be exempt from that area, also, including any fire and rescue. (Individual, No Address – #M337)

**PC #: 295****Public Concern: The Final EIS should retain section 4.12.10 "Vehicle Access" from the Draft EIS.**

4.12 Cumulative Impacts 4.12.10. Vehicle Access. This section is admirable in pointing out the substantial cumulative effects of road closures past, present and pending. Please retain and emphasize this section, highlighting

its conclusions throughout the rest of the report instead of only mentioning it near the very end. (Individual, Mill Valley, CA – #M31)

**PC #: 296****Public Concern: The BLM should eliminate competitive vehicle events in the Desert Wildlife Management Areas.**

In relation to the various alternatives proposed, considering the temporary and long-term effects of the original competitive vehicle events on desert soils, on air quality, on plants and vertebrate and invertebrate species, and on cultural resources, the DPC wants to see these events eliminated. There is no justification for supporting this type of destructive recreation in the desert, arguably one of the most fragile ecosystems in the U.S. Not only is our living legacy at stake, but there are vast areas in the NEMO areas, as yet unsurveyed for cultural resources, and these competitive events threaten to damage these precious sites and cultural areas as well. (Preservation/Conservation Organization, San Diego, CA – #M61)

Large scale, off-road cross-country motor vehicle races are an anachronism in America today. They encourage wasteful use of energy and they present the same management problems as they did before. BLM resources are strained to provide adequate oversight to prevent out-of-bounds driving and harm to the resources of the public lands. For these reasons we endorse Alternative 2 and oppose Alternative 4. Alternative 5, the Preferred Alternative is slightly less protective than Alternative 2. (Preservation/Conservation Organization, Oakland, CA – #M27)

**VEGAS TO BARSTOW RACE**

We do support an alternative that will retire the Vegas to Barstow race. (Individual, Death Valley, CA – #M56)

**PC #: 297****Public Concern: The BLM should limit competitive vehicle events to Open Intensive Use Areas.**

NO MOTORIZED COMPETITIVE EVENTS OUTSIDE "I" AREA-ALTERNATIVE 2 NEEDED Desert Survivors is strongly against the authorization of any motorized competitive events outside Open Intensive Use Area. Lets put this chapter of desert history behind us and move on. Non-competitive permitted events with appropriate review are fine. The destruction is too great to allow anything like this outside of the Intensive Use areas. (Preservation/Conservation Organization, Oakland, CA – #M76)

There should be no motorized competitive events outside "I" areas. It is impossible for BLM to control competitive events in sensitive areas. Absolutely, the Kingston Wash Corridor should never be used for competitive events, it is having trouble enough with non competitive events. Again, these events are not in compliance with the historic preservation laws and regulations. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 298****Public Concern: BLM should allow some permitted motorized recreation events in Desert Wildlife Management Areas.**

I was appointed by the County Commissioner to represent all these fears ten years ago on the Clark County Multiple Species Habitat Conservation Plan, and I'm still there. Permits in doing this for nonspeed, noncompetitive events has been approved by the US Fish and Wildlife Service in Southern Nevada through the MSHPC process. I challenge the NEMO process to allow for nonspeed, noncompetitive permitted events in DWMA's on a seasonal basis around the tortoise. (Individual, No Address – #M336)

**PC #: 299****Public Concern: The BLM should reopen the Barstow to Vegas race course.**

How about Barstow/Vegas, open that back up. (Individual, No Address – #M314)

The Barstow to Vegas corridor within the agency's plan, it's been there since Day 1. We really need you to help us find a way to make this happen. It has nothing to do with soil, it has nothing to do with vegetation. It has nothing to do with anything except in the minds of people who do not want us to have a race corridor, and a race corridor is an acceptable way of going—it's in Congress that we can do it. We're going from 5 to 3 race corridors, and there's got



to be a way to go through that corridor, and I'd love to have an opportunity to sit with staff and go and line it out similar to what we did in the NECO plan. (Individual, No Address – #M350)

**PC #: 300**

**Public Concern: The BLM should increase law enforcement presence during motorized recreation events near Dumont Dunes.**

Near the Dumont Dunes open area is DEVA's wilderness Ibex Dunes, which experiences trespass OHV traffic. This area needs an increased BLM law enforcement presence for large events at Dumont Dunes. (U.S. National Park Service, Oakland, CA – #M42)

## **Travel System**

**PC #: 301**

**Public Concern: The Final EIS should provide an analysis of impacts to the human environment from closing roads.**

The environmental document must objectively compare the significant negative impacts of closing roads and motorized trails to motorized visitors versus the positive benefits to wildlife habitat, sediment production, water quality, noxious weeds, and fisheries. The real measurable benefits to wildlife habitat, sediment production, water quality, noxious weeds and fisheries from the closing of these travel ways to motorized visitors are all too often relatively small in magnitude and do not justify the significant cumulative impact of the motorized closure on thousands of visitors seeking motorized access and recreation. The document must evaluate how the goal of environmental perfectionism is affecting the human environment. The document must also evaluate the cumulative impact that using environmental perfectionism as a goal for decision-making is having on the human environment. (Recreational Organization, Helena, MT – #M73)

**PC #: 302**

**Public Concern: The Final EIS should provide information on the positive trends and aspects of road travel in the desert.**

Throughout the report, a much greater effort should be made to present the positive as well as negative aspects of roads and vehicles transporting visitors to the primitive backcountry areas. Prominent and repeated mention should be made of the introduction of, and much greater level of compliance with, the "Tread Lightly" principles and other low impact behavior observed throughout the desert in recent years. The recognition that vehicle travel is the only practical means of visitation for most people should be repeated as often as the negative speculations in the report. (Individual, Mill Valley, CA – #M31)

**PC #: 303**

**Public Concern: The CDCA Plan Amendment should clarify the long-term goals for travel route closures.**

Your motor vehicle route designations in your publication leave a little to be desired. Your explanation of redundant routes leads me to some questions. After the additional routes are closed it's obvious that the routes left open will carry traffic—will carry the traffic, and then it will get additional wear and tear because of the increased traffic. Will this encourage the BLM to close that route at a later date for that exact reason? And the unasked question is, was that the intent all along? (Individual, No Address – #M317)

**PC #: 304**

**Public Concern: The Final EIS should contain a complete inventory of current travel routes.**

If there are viable routes of travel that are not inventoried within these plans, the public, indeed, will be shortchanged. We're not going to have these routes available. (Individual, No Address – #M351)

**PC #: 305****Public Concern: The BLM should conduct an on-the-ground assessment of multiple-use values for all existing travel routes.**

Each road and trail should be inventoried and viewed on the ground to determine its recreational value and any significant problem areas that require mitigation measures. Each road and trail should be evaluated for its value as a motorized loop or connected route. Each road and trail should be evaluated for its value as a dispersed campsite or as access for all multiple-use visitors. (Recreational Organization, Helena, MT – #M73)

**PC #: 306****Public Concern: The BLM should justify its claim that damage to travel routes is permanent.**

4.RE: 2.10 MOTOR VEHICLE ACCESS: ROUTES OF TRAVEL DESIGNATION “Some routes that are delineated on the 1979 CDCA “existing” route inventory and/or the most recent versions of 7.5-minute USGS maps cannot be located due to complete or near-complete natural reclamation.” If the damage caused by vehicles is permanent as some claim (Howard Wilshire, Paul Spitler, Danielle Paterson), why are these routes so hard to find? (Individual, Pasadena, CA – #M52)

**PC #: 307****Public Concern: The BLM should explain the change of definition for the term “maintained road.”**

Why has BLM decided to change the definition of “Maintained Road”? The CDCA Plan, as amended, defines a maintained road as “regularly or frequently maintained by continuous use (e.g., passage of vehicles) or machine maintenance.” According to NECO, “. . . a maintained road is generally one that is maintained periodically with the use of machines (e.g., motorized graders), which is a standard that can be more uniformly applied.” In other words, if we don’t pay to grade it regularly, it does not exist. Any challenging OHV route would automatically be closed. Power line roads do not offer the experience we OHV users seek. (Individual, Pasadena, CA – #M52)

**PC #: 308****Public Concern: The Final EIS should disclose decision criteria for road closures.**

I have reviewed documents which identify mines in several counties. Each of these mines had roads. These roads are also county roads (RS2477) and many are proposed for closure and would deny the future economic use of the mine. No where is identified the criteria by which these roads were selected to be closed. (Recreational Organization, No Address – #M90)

**PC #: 309****Public Concern: The BLM should revise criteria for road closures.**

Route Designation Criteria: The listed Route Designation Criteria are *all negative*, creating the impression of a pervasive anti-vehicular sentiment. Significantly and conspicuously, *the criteria lack any positive considerations as to why one might want to keep a route open*. (Note that the heading is Route Designation, not Route Closure). The criteria rely only on negative cliches about roads and vehicle use, while lacking any scientific or objective validity. (Individual, Mill Valley, CA – #M31)

“Nonexistent routes”—I have seen roads in the desert that have not been used for a year or so, overgrown with weeds. That does not mean that the route does not exist. A lot of these roads were used by the old-timers to get to mines or campsites. They do go somewhere. Subjective definitions of what roads are and decisions to close roads based on these subjective definitions is wrong. RS 2477 is still law. (Individual, No Address – #M344)

**PC #: 310****Public Concern: The BLM should adopt the National Park System’s process for road closure decisions.**

When the NPS issued its draft General Management Amendment Plan for the 1994 lands added to Joshua Tree National Park in November 1997, the NPS listed all roads and their lengths and presented alternatives that



considered a range of options. The Joshua Tree Final GMP closed a third of the dirt roads added to the park in nonwilderness, many of them in critical habitat. BLM should follow the same process. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 311****Public Concern: The Final EIS should disclose decision criteria for closure of historic travel roads.**

Our concern as a 4-wheel drive club is primarily access: access to roads and trails that are shown on maps prior to October 21, 1976. We are concerned about the percentage of these old existing roads and trails that are consistently being closed without regard to whether they are county roads, how long they have been in existence, how they are being utilized, or whether or not there is a scientific reason for their closure. Nowhere are the criteria by which these roads were selected to be closed, identified. (Recreational Organization, Ridgecrest, CA – #M79)

**PC #: 312****Public Concern: The BLM should base road closure criteria on the merits of each road.**

We are concerned about the way that area closure is approached in the planning process. Past actions have closed many roads and trails to motorized recreation and access without addressing the merits of each one. Justification has included reasons, such as ghost roads, user created roads etc., that are not site specific and do not amount to adequate justification. The fact is that many public recreational roads and trails in use today have been created by forest users' going back to the early days of history when all of the forest was "open" to motorized access. Bureau of Land Management and Forest Service cannot select which roads are useful to keep and which are not without a site-specific analysis. The cumulative effect of not analyzing each road and trail segment is tremendous. The decision making must be based on the individual merits of each travel way. (Recreational Organization, Helena, MT – #M73)

**PC #: 313****Public Concern: The BLM should provide information on who was consulted regarding route closure decisions.**

I have some basic concerns, and I've only gotten through half the plan. And some of the other meetings that are coming up, we'll have a little more thorough, certainly at the next DAC (phonetic) meeting; there is going to be quite a bit of discussion about this. But one of my major concerns is the arbitrary closure of, quote, "non-used trails." I've chewed on this since the last meeting. There was no documentation as to who chose these trails to decide they were closed. There was no monitoring, no camera work. Nobody sat on the trail for three years and decided what was being used, what wasn't being used. I don't use the same trails over and over again, because I don't like the same scene over and over again; so I may use something and not use it for two years and go back. But I don't like the idea that somebody just decided, since I haven't been there for a year, that there is no use for it. So I want proof as to how that was decided. I want names of the off-road people that you said that all the discussions were held with. These discussions were held over the phone. I can't follow the map in person. I can't imagine trying to follow the man over the phone. So I would like to know who the off-road groups were that decided that these roads weren't in use anymore. You said that there were several. I would like the names of those. I'm sure they're part of your records somewhere, so that we can verify with them what they were looking at the time they decided these roads weren't worth keeping. (Individual, No Address – #M306)

**PC #: 314****Public Concern: The BLM should focus its efforts on educating the public regarding responsible road use instead of closing roads.**

Focus on Positive Programs, Education, Sharing, and Preventing Trailblazing: The BLM emphasis should be on enforcing RESPONSIBLE use of the existing road network, i.e. prevention of cross-country trail blazing etc, rather than seeing how many more roads can be closed. Recreationists, who explore the primitive backcountry using the modern equivalent of horse-drawn wagons, are fully in favor of environmental protection, conservation, and avoiding damage to plants and animals. This can best be achieved by preventing activities which might actually



damage the plants, soil and animals, such as cross-country trailblazing, cross-country hiking by large groups, foraging and burning of local wood (particularly by hikers who are unable to carry in their own campfire wood), littering, vandalism, etc. Efforts should be focused on enforcing the Tread Lightly principles and on an education campaign to instill conservationist principles in visitors, whether vehicle-borne or on foot. An attitude of sharing public resources and consideration for other users should be ingrained. (Individual, Mill Valley, CA – #M31)

**PC #: 315****Public Concern: The BLM should involve the public in the decision-making process regarding road closure.**

There is an enumeration of reasons for groups of roads (not all roads shown on the map). No road by road enumeration of reasons. It is obvious that the BLM arrived at some range of percentage of road closures that should happen and then went about attempting to reach that goal. If the roads were not groups and 5 reasons given, then the roads which had no reason for closure would stay open. Or the road which would remain open with a seasonal closure might not be closed. Or the road which might need to be adjusted for some short distance might not be closed. The BLM foreclosed all of these options by grouping the roads and grouping the reasons for closing them. This was another attempt to deny the public the information it needs to make informed comment and recommend informed decisions. (Recreational Organization, No Address – #M90)

**PC #: 316****Public Concern: The BLM should reconsider closing duplicate routes.**

Also on the duplicate routes that you are closing, some of them you say go to the same areas. A lot of times duplicate routes that go to the same areas were either originally there to begin with or they were put there by people because different vehicles are able to go different places. Granted I might be able to get into a place that someone else may not be able to or someone else can get into a place that I can't. If there are two routes running parallel, they may not be 10, 15 feet apart, but if one of them I can't drive down and the other one I can, what's to say you should close the harder route because they may be what somebody else enjoys. Just because my vehicle is not able to drive down that route is no reason to close it. Just because I can't go down and enjoy it is no reason to keep someone else from doing the same thing, although it may be only five feet from a different route. (Individual, No Address – #M344)

**PC #: 317****Public Concern: In order to maintain public support and to ensure quality recreation opportunities, the BLM should allow primitive roads to remain open.**

Primitive road closures leave the remote desert inaccessible except to those who are super-fit elite hikers able to carry enough water and camping equipment for long hot desert treks. It should be noted that cumulative closures of primitive vehicle routes reduce public support and cooperation, as well as concentrating traffic on fewer, higher speed routes, where impacts will be correspondingly heavier and less sustainable. Solitude is that much harder to find, and the thrill of exploration is spoiled. Instead, low- impact, dispersed recreation should be encouraged by keeping as many low-traffic, dispersed routes open as possible. (Individual, Mill Valley, CA – #M31)

**PC #: 318****Public Concern: The BLM should consider road reclassification as an alternative to road obliteration.**

The environmental document must accurately address the significant negative impacts associated with disturbing existing stable roadways in order to obliterate the existing roadbed. A more viable alternative would be to reclassify the road to either restricted-width or unrestricted-width motorized trail. The preferred alternative should make practical use of this management tool and the benefits that it provides including reduced sedimentation impact, reduced fisheries impact, reduced noxious weed impact, much less construction cost, reduced road inventory, reduced road maintenance and increased opportunities for motorized recreationists. Reclassifying roadways to restricted- or unrestricted-width motorized trail also avoids contributing to cumulative impacts on motorized recreationists. (Recreational Organization, Helena, MT – #M73)



**PC #: 319****Public Concern: The CDCA Plan Amendment should establish a process to rescind travel route closures.**

I do not feel it's possible for me to keep track of all the road closures which may occur, and I'm concerned about road closures which provide access to desert water sources, upon which wildlife are dependent, and which we use the roads to gain access to the water sources. I'm wondering whether there is any process if such a road is closed to rescind that closure when it is determined that there is some purpose for using the road, such as access to a water source? A process for rescinding closure, that's my question. (Preservation/Conservation Organization, No Address – #M332)

I'm a member of the Vegas Valley 4-Wheel Drive Club here in Las Vegas, and my concern with a lot of the trail closures is we don't-there is nothing outlined as far as when they be reopened. Is there a definition of a certain time line, as environmental impact study will be done within two years, five years, a hundred years to determine when we will get the trails back open? (Individual, No Address – #M339)

**PC #: 320****Public Concern: The BLM should reopen roads when science proves they are not detrimental to desert tortoise.**

Why do you have an agenda to close the roads unless they are part of a route network? Once science proves that OHVs are not a detriment to the tortoises, why can't we reopen our roads? Why are you rehabilitating the roads prior to the time that science can prove that tortoises are either harmed or not harmed by OHVs? (Individual, Las Vegas, NV – #M313)

**PC #: 321****Public Concern: To preserve the desert visitation experience, the BLM should allow travel routes within one quarter mile of a water source to remain open.**

The most unfair and unreasonable proposed measure is to close all roads within 1/4 mile of water—this is purely arbitrary and would seriously impact the desert visitation experience. (Individual, Mill Valley, CA – #M31)

**ACCESS TO HISTORIC SITES**

In your draft EIS for the NEMO Planning area, I am directing my comments to that part that would close vehicle routes which are within one quarter mile of a water source. It is this aspect of your draft that concerns myself and other historians of Nevada and California desert railroads. The only practicable way to visit these historic areas is via some form of motorized transport. . . . So, what we are really talking about is restricting access to existing roads, roads that have—in the case of the T&T—been around for nearly 100 years. Of course, desert roads tended to go from watering place to watering place. And steam railroads, which also very much ran on water, did the same. Thus, closing off of travel within one quarter mile of a watering source significantly reduces those areas of the desert open for exploration. (Individual, Ojai, CA – #M6)

**PC #: 322****Public Concern: The BLM should educate the public on appropriate land use near waterways instead of limiting access.**

Please replace this misguided policy [closing all roads within one quarter mile of water] with an education campaign teaching etiquette in the vicinity of springs. (Individual, Mill Valley, CA – #M31)

**PC #: 323****Public Concern: The BLM should consider access needs for fire fighting when making road closure decisions.**

Also, with closing the routes and the road closures in California, there are people that I work with who have previously worked in the fire service, and they have numerous times made complaints to me about when they do work in California in the fire service that some of the routes they are closing allow them access to areas to prevent and fight forest fires. There was an incident last year of forest fires ravaging acres after acres in California. If you

close off the areas and you reestablish the roads or the routes, you change them back into a wilderness type environment where you need to or not, that prevent the fire service from getting in there and either slowing down or preventing or stopping the forest fires. (Individual, No Address – #M344)

**PC #: 324****Public Concern: The BLM should recognize that using the CDCA Plan Amendment to close roads and trails is not legal.**

The BLM must, in the process of re-designating an ORV trail; not only abandon any blanket designation method but; they cannot close a previously open ORV trail unless it has been previously monitored. Just as important, ORV trails that have not been inventoried cannot be monitored. In summation, BLM cannot close an ORV trail that has not been inventoried. They cannot close a previously open ORV trail that has not been monitored. They cannot close an ORV trail prior to scientifically applying the specified criteria. And, finally, in any area designated for multiple use by Congress, such as the CDCA, they cannot close an ORV trail without addressing planning and compensating for that negative impact to the ORV trail system, immediately and cumulatively. Here, with NEMO, BLM proposes to close ORV trails that have not been inventoried. BLM, with NEMO, proposes to close ORV trails that have not been monitored. BLM, through NEMO, is proposing to fail to apply the specified criteria before closing the ORV trails, currently designated open and limited. And, BLM, proposes to close ORV trails in areas that have been designated for multiple use by Congress. As was shown above, BLM is prohibited from doing all these things. As NEMO proposes numerous violations of Code and Executive Orders it cannot therefore be processed. (Multiple Use/Lands Rights Organization, San Bernardino, CA – #M11)

**PC #: 325****Public Concern: The Final EIS should provide an analysis of the proposed route network for the NEMO area.**

The actual route network proposed by NEMO is not developed well enough to understand or analyze. Route densities must be determined and then a reasonable network developed. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 326****Public Concern: The Final EIS should clarify that the BLM has no authority to close county roads.**

I have personally reviewed maps, which are in the inventory of several counties and find that the Bureau of Land Management proposes to close roads which are clearly county roads. Roads which are on county maintenance schedules. Roads which are included in the book of roads for the counties, and roads which have been printed on maps issued by one subdivision or another of local governments. For example: In 1972 the County of San Bernardino Economic Development Department contracted with Thomas Bros. to prepare a map, for the county's use and distribution, of many of the roads San Bernardino County considered as access roads. Many of the roads shown on that map alone are proposed for closure. The Bureau of Land Management has NO authority to close county roads. County roads may be closed only by abandonment, through resolution of the County which has identified the road as in its inventory, in one form or another. Formal assertions of RS2477 right-of-ways have been made by many counties and this is no where identified or even commented upon. (Recreational Organization, No Address – #M90)

**PC #: 327****Public Concern: The Final EIS should ensure the preservation of RS 2477 rights-of-way for future generations.**

Throughout the later half of the 19th century and the first three-quarters of the 20th century, the use of "RS 2477 rights-of-way" over federal land in the western United States became a standard method of legal access across federal lands for commercial, industrial, and recreation pursuits to such an extent that the use of the RS 2477 rights-of-way has become an inherent part of western heritage and a capital asset for the public that must be preserved for future generations. All of the routes proposed for closure by the Bureau of Land Management and Forest Service



were in existence before 1976 and, therefore, have RS 2477 rights-of-way to provide the public with access to public lands. (Recreational Organization, Helena, MT – #M73)

**PC #: 328**

**Public Concern: The CDCA Plan Amendment should not include a 15 foot single-width road standard for pull-off parking and camping in ACECs and DWMA's.**

The County is opposed to 15' alternative as the single width from centerline for pull-off parking and camping in ACECs/DWMA's. There are some real safety issues (concerns) involved. The County believes this is neither appropriate nor safe, and would object if the Final Plan adopted this restrictive standard. Along County roads such restrictions create liability issues/concerns for San Bernardino County. The 100 feet in the "Preferred Alternative" is probably more appropriate. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

**PC #: 329**

**Public Concern: The CDCA Plan Amendment should eliminate the existing route network approach.**

We endorse the BLM proposal to eliminate the "existing" route network approach as stated on 2-57. For BLM to take as a baseline decades worth of routes created mechanically or by the passage of vehicles does not ensure that public lands are protected from unnecessary or undue degradation. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 330**

**Public Concern: The BLM should consider extending Highway 178 from Trona Pinnacles to the bottom of Death Valley.**

We made comment in regards to Highway 178 being extended from the Trona Pinnacles to the bottom of Death Valley in Shoshone where it meets. We think it should be scoped in this. One of the alternatives goes through your planning area, in the southern part of your planning area in Panamint Valley. It can cut the distance from one hour travel time, from one hour's travel time from three hours. It would cut two hours off, and that's important. (Chamber of Commerce, Trona, CA – #M310)

**PC #: 331**

**Public Concern: The BLM should choose an alternative that ensures the "closed unless posted open" policy.**

Sec. 4.9 —In the preferred plan, I support the alternative that all routes, including washes, should be presumed closed unless signed open. Reduction of open routes results in reduced impacts. There are already so many open routes in the desert that no one could drive them all in their lifetime, besides the same route is never the same twice anyway. Route proliferation is the main problem in the desert, and must be controlled. (Individual, Ridgecrest, CA – #M57)

**PC #: 332**

**Public Concern: The Final EIS should establish that motorized travel routes through desert tortoise habitat are closed unless posted open.**

CLOSURE OF ALL ROUTES IN TORTOISE RESERVES UNLESS NEEDED FOR THROUGH TRAVEL OR ACCESS. NO RECREATIONAL TOURING IN TORTOISE RESERVES-The route inventory in these zones should be done with a default of Closed, unless a proven need is demonstrated to allow the route to remain open. The reasoning for the route should be public information. This is clearly not the criteria used in the current NEMO route proposals. TRAVEL ON TORTOISE RESERVE ROUTES IS ONLY ON DESIGNATED ROUTES. NO WASH TRAVEL UNLESS ITS PART OF A DESIGNATED ROUTE-Only a minimal number of routes will remain open; all signed and no wash travel allowed. This is a straightforward rule and can be enforced. NO SIGN, NO RIDE. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 333**

**Public Concern: The BLM should justify the proposal in Draft EIS Alternative 2 to keep 8,000 miles of road open.**

The Preferred Alternative appears to keep open nearly 8,000 miles of routes in the DWMA's (Page XV) that covered just over 300,000 acres. That is the equivalent of 17 miles of routes within every square mile of DWMA. Such a density of routes serves no legitimate recreational access needs. Nor can the reader believe that so many miles of routes survived the criteria for route designation on page 2-56. The Plan does not contain a list of the designated routes and their lengths. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 334**

**Public Concern: The BLM should consider closing more roads in Desert Wildlife Management Areas than proposed in the Draft EIS.**

We can endorse none of the offered alternatives. The best appears to be Alternative 2 but even that alternative leaves a vast network of roads and dirt tracks open for public use in the DWMA's. Many of those roads are redundant, duplicative, unconstructed dirt tracks and should be considered for closure. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 335**

**Public Concern: The BLM should limit the number of miles of vehicle routes to 18 miles per township in Desert Wildlife Management Areas and 24 miles per township in the remaining areas of BLM lands in the Northeastern Mojave.**

Vehicle routes should be less than 18 miles per township in DWMA's and 24 miles per township in the remaining areas of BLM MEMO. The proposed route network is incompatible with tortoise recovery. "Navigable washes" should be closed unless they are designated routes. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 336**

**Public Concern: The BLM should acknowledge in the Final EIS that rehabilitation costs exceed maintenance costs for roads.**

The cost to Rehabilitate is more than the cost to maintain existing roads and trails. The government knows this but fails to Acknowledge. (Individual, Henderson, NV – #M4)

**PC #: 337**

**Public Concern: The BLM should analyze habitat impacts prior to closing roads.**

Ample opportunity has existed for many years to conduct studies of similar areas with different primitive road densities to determine the existence and degree of any impact on flora and fauna. No such studies have been done. Nothing more than hackneyed clichés link primitive roads to ecologically significant habitat damage. These clichés by no means constitute a suitable rationale for further destruction of the scarce resource represented by the much reduced, residual California desert road network. (Individual, Mill Valley, CA – #M31)

## **Route Designation**

**PC #: 338**

**Public Concern: The BLM should disclose all information relevant to route designation criteria.**

DESIGNATION OF ROUTES OF TRAVEL – ROUTE DESIGNATION INCOMPLETE, ROUTE RATIONALE MISSING, PARTIAL EFFORT SKIPS CRITICAL CONSTITUENCY – The other major missing element in the draft plan is the lack of substantiating data regarding route designation at the detail level whether in or out of the proposed DWMA's. The West Mojave Plan is going through the process of specifically identifying each route segment and assessing reasons for and against closure of the route. These reasons are available for the public to understand and comment upon. No route designation applied to specific routes or even review data is available for



non-tortoise areas. No quantitative survey of wash travel was made either. In addition, what data is presented in the draft plan is confusing, inconsistent and truly impossible to adequately analyze. Mention is made of a basic route network with a focus on touring and a secondary network with opportunities for more specialized recreation uses. There is little distinction made between route usage, concentrating upon through travel and access to another area contrasted to immediate area usage with local destinations, camping, trailhead use, or day-hiking. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 339****Public Concern: The BLM should retain interim route closures until a detailed route designation process is in place.**

Some visits were made by Desert Survivors members to the draft plan's proposed DWMA's to see on-the-ground what routes were chosen to remain open. We were surprised and disappointed to come upon routes that had not been used for years, routes that were redundant within tortoise habitat, routes that were there and maintained but were not on the maps, and routes which clearly had not been given and real consideration regarding their value, pro or con. With this missing from NEMO, Desert Survivors proposes that all Interim Route Closures currently in place as a result of the Center for Biological Diversity Lawsuit, remain in place until the detailed route designation process is completed. There is an opportunity here for the BLM to move forward and begin to deal with today's reality of desert use. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 340****Public Concern: The Final EIS should clarify the description of alternatives for designating routes.**

The description of the alternatives for designating routes of travel is confusing and unclear.... If any of our comments reflect a misunderstanding of the preferred and other alternatives, we hope that BLM will correct us in the agency responses. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 341****Public Concern: To help in making route closure decisions, the BLM should assign "beneficial use" designations to travel routes proposed for retention.**

The following comments are offered for your consideration in preparing the Final EIS: We recommend that one or more "beneficial use" designations (e.g., through-travel, touring route, hunting access, access to a specific resource, access to private land, etc.) be assigned to each route of travel that will be retained as part of the transportation system in the planning area. This information would be useful in determining whether additional routes are redundant and could be closed to minimize resource impacts and maintenance costs. (U.S. Environmental Protection Agency, San Francisco, CA – #M68)

**PC #: 342****Public Concern: The BLM should close non-designated travel routes in the CDCA planning area.**

Non-designated routes should be closed and revegetated. (Preservation/Conservation Organization, San Diego, CA – #M61)

**PC #: 343****Public Concern: The BLM should designate specific routes for specific activities.**

Please review mountain bicycling, horseback riding, hiking and running, 4X4 and motorcycling as being exactly what it is and remember that 4X4 will stay on wider roads, motorbikes will travel just about anywhere-it is the WAY motorized vehicles are used that make them high impact-runners and hikers and horses do not fishtail and do donuts and spins on a trail, 4X4s will only spin on a wide enough area and motorcycles will do just about anything. . . it is their speed and fishtailing, etc. that may be of high impact, but if traveling at a careful speed, they do little damage-so make trails to be used for such things – speed, spinning, fishtailing, etc., trails for 4X4s that are left wide, trail paths designated for the horses, runners, hikers and those that can be used for mountain bicyclists. (Individual, Stevenson Ranch, CA – #M14)

**PC #: 344****Public Concern: The Final EIS criteria for route designation should include national, esthetic, and scenic values.**

Sec. 2.10 —Route Designation Criteria —the criteria for all areas (not just natural) should provide that natural, esthetic, or scenic values should not be adversely affected. (Individual, Ridgecrest, CA – #M57)

**PC #: 345****Public Concern: To comply with the California Desert Protection Act, the BLM should post the Greenwater Canyon as a dead end.**

NPS also suggests that the route to Greenwater Canyon be posted as “Dead End X Miles Ahead,” because the western portion of that formerly through-route was closed to vehicular use under the California Desert Protection Act. (U.S. National Park Service, Oakland, CA – #42)

**General Human Environment, Utilities, Recreation, and Travel****PC #: 346****Public Concern: The BLM should restrict the construction and expansion of utility corridors.**

Utility Corridor Impacts: There should be minimal new corridors, their need must be fully justified and if allowed, fully mitigated. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 347****Public Concern: The BLM should provide information regarding locations of proposed fee demonstration projects.**

Regarding the recreational fee demonstration program in the Mojave Desert. I know of 2 locations where it's being implemented right now, the early plan site and also the Imperial Sand Dunes, and I think there's also some new recreational areas which are being proposed. And I'm wondering which areas those are and how big they are and when they're going to come on line. (Individual, No Address – #M348)

**PC #: 348****Public Concern: The Final EIS should contain an evaluation of impacts from cross-country hikers.**

Chapter 4: Environmental Consequences. 4.1 Standards and Guidelines: Page 4-9, Impacts to Recreation Resources and Activities: This section reverts to the traditional anti-vehicle mindset. It is stated that non-motorized activities have only minor impact, the implication being that the impact of motorized activities is much greater. The impacts of cross-country hikers should be mentioned here, since they of necessity spend more time getting in and out of an area, with more impact of human waste, direct damage to flora, and spreading of weeds to areas far from roads where they are hardest to control. They cannot carry in their own firewood, but forage and burn what local wood there is. Groups of cross-country hikers have far greater potential to damage the flora and fauna directly by cross-country walking rather than sticking to roads. They are less equipped to carry out their litter, and cannot carry enough water to properly douse their fires. They may cause fires in inaccessible areas where fire-fighting equipment cannot be brought in, and they are harder to find and rescue in an emergency. (Individual, Mill Valley, CA – #M31)

**PC #: 349****Public Concern: The FEIS should clarify criteria for determining roadway impacts to viewsheds.**

One of your sub-regions that you set out, it was the Rodman Newbury Mountains. And there was a bunch of routes that were closed because of view shed impact and of potential habitat. Now, how do you comment? Who is to determine—how do you make a comment on view shed impact? I may go out and look at the road and go, hey,



that's cool. Someone may go out there and go, well, I don't like the view. Is that—how do you comment on that?  
(Individual, No Address – #M323)

**PC #: 350**

**Public Concern: The BLM should consider the needs of disabled visitors.**

Seniors, children, and persons with mobility problems also rely heavily on OHV s to visit areas of the desert that they cannot reach easily or safely on foot. With the NEMO Plan and the other closures implemented by BLM throughout the CDCA, these less mobile individuals will be effectively removed from many of the most interesting and beautiful parts of the California Desert. Again, this is an impact that the EIS completely ignores. (Recreational Organization, San Diego, CA – #M67)

**PC #: 351**

**Public Concern: The BLM should restrict use of firearms within Desert Wildlife Management Areas.**

Within DWMA's the usage of firearms should be restricted to licensed hunting in season only. No target or varmint shooting. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 352**

**Public Concern: The CDCA Plan Amendment should allow recreational activity in desert washes.**

Alternative 2: "Close or seasonally limit washes, including navigable washes that do not contribute to the primary transportation network". Any conjectured benefit of this to wildlife is simply wishful thinking. No comparisons of species survival have been done or are proposed on similar areas with different levels of traffic in washes. In practice, for ease of travel, vehicles driving up washes always use those parts of the wash floor that are sandy, gravelly and bare of any vegetation. Therefore, they do not impact the vegetation in a wash at all. In most cases, traffic in the washes is extremely light, many going for days or months without seeing a vehicle, so any imagined effect on wildlife is vanishingly small. If specific washes can be identified which receive heavy traffic (many vehicles per day) and lack differentiation between vegetated and unvegetated sections, an argument may be made for a trial vehicle route realignment to see if wildlife is affected compared with the present condition. Overall, however, there appears to be no realistic environmental justification for closing most washes to the occasional vehicular traffic they currently experience. (Individual, Mill Valley, CA – #M31)

**PC #: 353**

**Public Concern: The BLM should allow camping and campfires in the desert.**

Under 1.b.(8), what is the point of prohibiting all camping and campfires'? This will have little or no effect on wildlife but will reduce enjoyment of the area and reduce public appreciation and support. (Individual, Mill Valley, CA – #M31)

**PC #: 354**

**Public Concern: The CDCA Plan Amendment should establish a standard of allowing camping only on previously disturbed areas.**

This comment also applies to the comment for Ch. 2-21, 2.2.4.3. The plan proposes to allow parking and camping within 50 feet of the route centerline within proposed DWMA's. Will this disturb existing vegetation? Additionally, to allow vehicles to park off road may lead visitors to believe this is acceptable on all public lands. NPS suggests this practice not be allowed except on already disturbed sites, and urges public info be developed to avert confusion. Also, a similar proposal (Ch. 2-21, 2.2.4.3) may allow parking and camping within 100 feet of the route center line within proposed DWMA's. These are inconsistent; we suggest 50 feet. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 355****Public Concern: The BLM should restrict camping to designated areas.**

Camping should be allowed only in designated sites that have been previously disturbed. Just saying “disturbed” areas is uncontrollable and leading to a proliferation of disturbed areas. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 356****Public Concern: The Final EIS should ensure protection of wilderness study areas.**

Sec. 2.7—Released WSA’s should be given the highest protection possible. Maximize the amount of Class L, and minimize the amount of Class M. (Individual, Ridgecrest, CA – #M57)

**PC #: 357****Public Concern: The BLM should consider opening Wilderness Study Areas for visitors with disabilities.**

There are too many people that are handicapped nowadays who cannot get out and hike like the Sierra Club members and other clubs. I think the wilderness study areas should be opened up so that these people can come in and enjoy them. (Individual, No Address – #M347)

**PC #: 358****Public Concern: The CDCA Plan Amendment should establish guidelines for access to private inholdings.**

The Draft Plan Amendments states on page 2-55 that the BLM will address route designations in conjunction with access rights to inholders “on a case-by-case basis.” But the Draft fails to layout the criteria for judging such cases. Section 708 of the CDPA [California Desert Plan Amendments] prescribes a standard, albeit one subject to broad interpretation, to govern access to inholders. Because the standard of section 708 mandates but does not define “adequate access” and “reasonable use and enjoyment,” BLM must define those terms. Section 708 applies to the NPS lands in the California Desert as well. Thus, BLM must not define these terms alone but must recognize that BLM’s definition may be at odds with how the NPS defines the same words of the same statute. Also note that section 708 confers access rights only to inholders surrounded by wilderness areas. The Draft Plan does not state it, but BLM believes that rights to access inholdings surrounded by non-wilderness public lands is provided under a different statute—the Alaska National Interest Lands Conservation Act of 1980 at 16 U.S.C. 3210(b). The BLM has never adopted regulations pursuant to that act to govern such access rights. The complex issue of access rights to inholdings, either within BLM wilderness or within BLM non-wilderness public lands, deserves more discussion and explanation than an off-hand mention in a single sentence. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 359****Public Concern: To facilitate an experience of exploration, the BLM should avoid the overuse of road signs.**

Exploration and solitude should be recognized as important values and resources. Signage placed everywhere on open and closed routes would soon spoil such values. Prohibiting the average desert visitor from easily visiting springs, petroglyphs, culture sites, and other desert wonders will not engender the vital public support needed for genuine conservation measures. . . . Implementation of Route Designation Decisions: The decision to individually sign most open routes appears very close to a “closed unless signed open” policy which goes against all common sense, American tradition and past repeated denials by the BLM that such a policy would be adopted. The proliferation of signs on open routes would have other impacts also—largely eliminating the fun and excitement of exploration of unknown roads. It is hoped that the last bullet in this section implies that not all open routes will be signed. Proliferation of an overwhelming number of unenforceable “closed” signs (added to the already existing surplus of such signs and the recent exclusion of visitors from half the desert) would give the visitor an impression of senseless bureaucratic interference with his basic freedom of movement. This would tend to foster an angry and



lawless mentality on the part of visitors, discouraging them from obeying other BLM regulations that enhance real conservation values. (Individual, Mill Valley, CA – #M31)

## Natural Resource Commodities

### PC #: 360

#### **Public Concern: The BLM should reconsider using NEMO to facilitate or support Section 10 permit applications.**

BLM has asserted, in the Administrative Drafts of NEMO, that the main purpose of the NEMO is to assist the participating cities and counties in attaining their Endangered Species Act Section 10 permits. BLM proposes, in NEMO, to set aside vast expanses of public land and provide billions of dollars in public funding which, logically, will be used for this previously stated purpose. A Section 10 permit is for a private purpose and, as such, neither public land nor, public funding can be used to support such a purpose. For this reason BLM cannot use NEMO, in any way, to facilitate or support Section 10 permit applications by any of the participating cities and counties. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

## Grazing Management

### PC #: 361

#### **Public Concern: The BLM should analyze sustainability of desert lands for livestock grazing.**

To start with, I think the proposed Rangeland Guidelines for Grazing Uses in the NEMO Planning Area are inadequate. This region is part of a desert conservation area and these lands are unsuited for livestock grazing. You can grow bananas in Michigan or tomatoes on the moon, but it's not worth the expense and trouble. The same can be said of trying to manage livestock grazing in an ecologically sound manner in the desert. This is supported by the fact that the EIS shows the local permittees are generally grazing only a portion of the number of livestock allowed by their grazing permits. Why haven't you directly addressed the suitability of these lands for livestock grazing, as the Multiple Use Act requires? (Individual, Tempe, AZ – #M41)

### PC #: 362

#### **Public Concern: The Final EIS should address the purpose and need for limiting grazing operations.**

The EIS is lacking information as to whether grazing, at the current levels and management, has any net impact on tortoises or other species of interest in NEMO. The Plan is deficient in substantiating a "purpose and need" to eliminate or severely curtail grazing operations. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

### PC #: 363

#### **Public Concern: The BLM should require that grazing research be based on science.**

The guidelines include a provision to encourage experiments and research to "provide answers" to the intractable problem of trying to manage livestock grazing the desert. Please require that these efforts are based upon sound science which means time-controlled grazing schemes based upon the scientifically discredited ecological theories of Allan Savory, holistic resource management (HRM) should be categorically prohibited. (Individual, Tempe, AZ – #M41)

**PC #: 364****Public Concern: The CDCA Plan Amendment should establish a trailing guideline to facilitate domestic livestock grazing decisions.**

Basis for Trailing Guideline: One indication of health is the absence of visible evidence of multiple livestock trails. Cattle tend to utilize "open spaces" (non-plant-covered) more frequently than plant covered (Balph & Malacheck, 1985). When vegetation/soils are repeatedly impacted in the same "open areas," terracing of hillsides and elimination of native forage around watering site occurs. These changes in the natural processes effect successional and other ecological processes (nutrient/water cycling) (Belknap, 1995). Often these disturbed areas are prime for establishment of exotic invasives and poisonous plants (Fusco et al., 1995). (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 365****Public Concern: The Final EIS should incorporate the livestock grazing management plan prepared by Dr. Wayne Burkhart and Dave Thomson.**

Enclosed is a copy of the grazing proposal prepared by Dr. Wayne Burkhart and me. This is the same proposal you saw on 10-30-01 at the TRT meeting in Riverside. I offer this proposal as an "alternative" to the "preferred alternative" for grazing in the NEMO and NECO Plans. This plan is rancher and environmentally friendly, addresses Desert Tortoise Recovery, and costs nothing to implement. Please consider it as an alternative in your NEMO and NECO Plans. (Individual, Rancho Cucamonga, CA – #M59)

**PC #: 366****Public Concern: The CDCA Plan Amendment should establish a guideline requiring grazing exclosures within allotments to facilitate comparisons of grazing intensity and management status.**

Basis for Exclosure Guideline: "Exclosures on key grazing areas can be useful in separating climatic from grazing influences (Holechek et al., 1998). Each allotment should have an exclosure of appropriate size in key areas. The appropriate size and shape should be determined based on spatial distribution of species, edge effects, etc. – these considerations are addressed in Elzinga et al. (1998). Only with exclosures can a comparison between stock-grazed and stock-ungrazed areas can be quantitatively assessed. I know that there are maintenance/liability problems with exclosures, and here's where I have several suggestions. Maintenance of exclosures can be identified as the responsibility of the permittee by the Taylor Grazing Act (Sec. 315c). It is to the benefit of the permittee to have quantifiable scientific "control" areas to compare grazing intensity, which will indicate if management status is appropriate. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 367****Public Concern: The CDCA Plan Amendment should establish a guideline requiring a comprehensive information database for vegetative species within grazing allotments.**

Basis for Guideline: "The first step in an inventory program involves the development of a vegetation map." (Holechek, 1998). In order to manage, one must know the resources. In looking at the allotment management plans, all include data on the number of acres of key species, which are often organized by pasture, but no indication of where those resources are. Most of the AMPs already contain a map of range improvements. These data need to be collected into one information database (GIS). These data will help to refine the existing vegetation map (Map 3-3) in the areas where allotments occur. (Preservation/Conservation Organization, Sacramento, CA – #M62)

**PC #: 368****Public Concern: The BLM should implement various grazing restrictions for the CDCA planning area.**

The grazing restrictions in the Center for Biodiversity Lawsuit, and the provisions of the Desert Tortoise Recovery Plan, should be fully implemented. (Individual, Ridgecrest, CA – #M57)



The Horsethief Springs, Pahrump, Valley View and Valley Wells allotments, and BLM's portion of the Hunter Mountain and Kessler Springs allotments, should be permanently retired from grazing. Supplemental feeding of livestock that graze on our desert public lands should cease. (Individual, Berkeley, CA – #M58)

The Recovery Plan states that grazing is incompatible with tortoise recovery. Grazing in DWMA's should be eliminated as set forth in Alternative 2. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 369**

**Public Concern: The BLM should forbid livestock grazing during summer in the CDCA planning area.**

It is nearly impossible to adequately manage livestock in the desert during the summer. There should be no grazing permitted during the summer, especially in the riparian areas. And the easiest way to accomplish this is to prohibit summer grazing altogether. (Individual, Tempe, AZ – #M41)

**PC #: 370**

**Public Concern: The BLM should prohibit livestock grazing in tortoise reserves.**

Permit no grazing in tortoise reserves. Reserves are managed for the preservation of the tortoise. Unless it can be proved that grazing is not a detriment to the tortoise it should not be an authorized activity in the reserves. As there has been only one clear study proving direct tortoise-cattle competition for resources, Desert Survivors would not oppose a rigorous academically based grazing management research study which would both direct grazing practices in tortoise area and monitor effects to plant and animal resources in desert grazing habitats as well. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 371**

**Public Concern: The BLM should eliminate ephemeral livestock grazing in the CDCA planning area.**

All ephemeral grazing should be eliminated. Many desert plants and animals struggle through the long dry periods so that they can reproduce during the infrequent wet episodes. It is simply wrong to turn thousands of cattle or sheep loose upon the desert when the rains finally come. The entire bounty of the rare rains should be fully allocated to wildlife. (Individual, Tempe, AZ – #M41)

ELIMINATE EPHEMERAL ALLOTMENTS IN THE DESERT; BOTH AS SEPARATE ALLOTMENTS AND AS COMPONENTS OF EXISTING PERENNIAL ALLOTMENTS-These allotment allow large temporary increases in cattle and sheep stocking in particular wet seasons. Desert Survivors would rather allow the plant community full opportunity to complete an entire seed producing cycle at full capacity in these bonus years. The seed banks need to be replenished for the dry years ahead. (Preservation/Conservation Organization, Oakland, CA – #M76)

**PC #: 372**

**Public Concern: The BLM should prohibit supplemental feeding of livestock.**

Supplemental feeding of livestock that graze on our public lands should cease. (Preservation/Conservation Organization, San Diego, CA – #M61)

**PC #: 373**

**Public Concern: The BLM should base its livestock grazing requirements on those provided by the Sierra Club.**

As for the general grazing guidelines in Section 2.1, domestic livestock grazing should be modified to accord with national Sierra Club policy, which is based, in part, upon recent published work by Deborah Donahue. (Preservation/Conservation Organization, Glendale, CA – #M44)

**PC #: 374**

**Public Concern: The BLM should allow livestock grazing to continue in the CDCA planning area.**

The County is opposed to provisions of the Plan that impact the ability of livestock grazing operations to continue. The NEMO Plan should commit the government to finding a way for these ranchers, who have had a presence on the land for decades, to retain an economic operation with appropriate range management without exclusions or reductions. The only acceptable alternative would be to ensure that funding is provided to liquidate their interests. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

**PC #: 375**

**Public Concern: The Final EIS should include a provision that facilitates voluntary relinquishment and retirement of grazing allotments.**

Change the CDCA plan to allow voluntary relinquishment and retirement of grazing allotments. This is a very important change required to allow a conservation buyer to negotiate a reasonable deal with an existing grazer to effect a retirement of a current allotment. (Preservation/Conservation Organization, Oakland, CA – #M76)

Maybe the road from where we are to where we want to get should include allowing voluntary relinquishment and retirement of grazing allotments. This would facilitate purchases by conservation buyers. (Preservation/Conservation Organization, Whittier, CA – #M77)

**PC #: 376**

**Public Concern: The BLM should support any request to permanently retire allotments.**

Where grazing allotments are contiguous to NPS allotments and these allotments have been purchased and the new owner requests a permanent retirement, BLM needs to support retirement of the allotment. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 377**

**Public Concern: The BLM should work with the National Park Service to acquire and permanently retire cattle grazing permits from willing sellers.**

At Mojave National Park, the NPS is actively working with a park partner to acquire and permanently retire cattle grazing permits from willing sellers. Several of these permits have small remaining portions of the allotment on adjacent BLM land. The NPS would prefer to see BLM retire these remnant portions and not allow cattle grazing to continue. These remnants, for the most part, are not sufficient in size by themselves to allow for an economic operation. Fencing would be required to contain cattle within these new smaller areas and to prevent trespass onto adjacent lands. The NPS invites BLM to work cooperatively in areas where the NPS is retiring grazing and for BLM to retire their portions. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 378**

**Public Concern: The BLM should clarify livestock grazing allotment ownership information found in Appendix M of the Draft EIS.**

We note that Needles BLM consulted with us in 2000 in regard to the renewal of grazing leases in the Valley View, Valley Wells, Clark Mountain, Kessler Springs, Piute Valley, and Crescent Peak allotments. In Appendix M, on page M-2, these lands are described as being transferred to the National Park Service, with concomitant size reduction or elimination of grazing due to desert tortoise (kapet) habitat considerations. Please clarify whether the lands in question indeed have been transferred to Park Service as part of the Preserve, and whether NPS is now in charge of grazing activities. (Ahamakav Cultural Society, Mojave Indian Tribe, Mohave Valley, AZ – #M81)



**PC #: 379****Public Concern: The Final EIS should clarify issues on livestock grazing allotments raised in Chapter 3 of the Draft EIS.**

The discussion of livestock grazing in Chapter 3, pages 19-24 raises certain issues that the Draft plan does not answer. (Preservation/Conservation Organization, Oakland, CA – #M27)

**CRESCENT PEAK ALLOTMENT**

Crescent Peak: The Draft Plan states that the “remaining acreage” of this allotment lies within the Mojave National Preserve. The July 2000 NPS Revised Draft GMP and EIS for the Mojave National Preserve no longer lists this allotment. The NPS EIS states that the allotment has been permanently retired (p. 266). (Preservation/Conservation Organization, Oakland, CA – #M27)

**CLARK MOUNTAIN ALLOTMENT**

Clark Mountain: The Draft Plan states that the Clark Mountain Allotment is within Category I desert tortoise habitat. It appears that this allotment contains habitat formally designated as critical for desert tortoise. (Preservation/Conservation Organization, Oakland, CA – #M27)

**HUNTER MOUNTAIN ALLOTMENT**

Hunter Mountain: The Draft Plan implies that some development may take place on the BLM portion of the allotment to allow it to support cattle. The BLM portion of the allotment may lie in designated wilderness. While the Wilderness Act and the CDPA allow for the continuation of existing grazing, any effort to increase the level of grazing and install improvements after wilderness designation runs afoul of the Wilderness Act and Appendix A of the Report of the House Committee in the Interior and Insular Affairs (H. Rept. 101-405) that govern grazing in BLM California desert the wilderness under section 103(c) of the CDPA. (Preservation/Conservation Organization, Oakland, CA – #M27)

**KESSLER SPRINGS ALLOTMENT**

Kessler Springs: The discussion of Kessler Springs Allotment leaves out a very important detail. On November 16, 1999 the BLM State Director signed an Amendment to the California Desert Conservation Area Plan to cancel the BLM portions of the Lanfair and Granite Mountains Allotments. The Decision Record of November 16, 1999 concluded that the BLM would not retire the 15,300 acres of the BLM administered portion of the Kessler Springs Allotment because that allotment could be managed as a stand-alone operation. (Note that the Draft Plan lists the Kessler Springs as only 14,161 acres. Please reconcile the discrepancy.) Because of the allotment, in BLM’s judgment, is economically viable, BLM required further planning to accomplish a retirement. This allotment occupies critical tortoise habitat and the allottee is selling (or has already sold) the vast bulk of the allotment (in the Mojave National Preserve) to a conservation buyer, yet the Draft fails to consider whether to retire the BLM portion. The Draft Plan must consider this alternative. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 380****Public Concern: The BLM should evaluate the Last Chance grazing allotment and determine the animal unit month through an Allotment Management Plan.**

The Last Chance grazing allotment has been under no animal unit month (AUM) management by both NPS and BLM (California and Nevada) for a number of years due to lack of forage and management practice problems. The AUM number for this allotment should either be listed as zero or not be unlisted. The AUM number will need to be determined through an Allotment Management Plan. (U.S. National Park Service, Oakland, CA – #M42)

## Mineral Resources

### PC #: 381

**Public Concern: The Final EIS should provide an expanded analysis of potential future impacts to communities and mineral resource availability from proposed management actions.**

We recommend that the final EIS include the following information and analyses: The affect of the various planning alternatives on mineral resource availability, and on local economies that may be impacted by restrictions on mineral entry. (California State Department of Conservation, Division of Mines and Geology, Sacramento, CA – #M38)

### PC #: 382

**Public Concern: The Final EIS should provide an explanation of the relationship between mining codes and laws and the potential impact to future mineral resource availability from the proposed plan.**

We recommend that the final EIS include the following information and analyses: Under the section in Appendix K entitled "Applicable State and Federal Laws," an analysis of the relationship of the project's impact on mineral resource availability with respect to Public Resource Code Sections 2711 and 2712 of California's 1975 surface Mining and Reclamation Act. (California State Department of Conservation, Division of Mines and Geology, Sacramento, CA – #M38)

### PC #: 383

**Public Concern: The Final EIS should clarify NEMO active mines and mineral potential maps, and correct false and missing information.**

Chapter 3-33, section 310 minerals and mining in appendix K9-11 is a reasonable description of the three categories of locatable, leasable, and saleable minerals. However, figure 3A, NEMO active mines and mineral potential maps has no correlation to that used in section 3.10 in appendix K. This is an example of inadequate management in the preparation of this document. I see no reference to the grandfathered provisions of RE2477 in regard to roads and trails. A number of laws in appendix K-a number of laws are not referenced, such as RE2477, mining law of 1872 as amended, and there is a number of others. (Individual, No Address – #M342)

### PC #: 384

**Public Concern: The BLM should withdraw proposed closure of public lands within NEMO as they do not have the jurisdiction to sign the proposed closures.**

BLM proposes to close much of the CDCA, approximately 96 percent of the NEMO area. Said closures would exclude one or more of the major uses for two or more years with respect to a tract of land of one hundred thousand acres or more. In addition, they would remove public lands from the operation of the Mining Law of 1872, as amended. The proposed closures would not permit BLM, in their discretion, to decide whether or not to implement them. Moreover, clearly BLM has not exhibited any such discretion in the proposal of the closures; they are linked to Section 10 permits for the participating cities and counties. As such, the closures proposed in NEMO are withdrawals. As BLM cannot implement withdrawals, they do not have the authority to effect the proposed NEMO. The proposed closures, proposed in NEMO, would remove the subject public lands from the Mining Law of 1872, as amended. This can only be done by withdrawal action. As BLM cannot implement withdrawals, they do not have the authority to effect the proposed closures. The proposed closures have excluded and would exclude one or more of the major uses for two or more years with respect to a tract of land of one hundred thousand acres or more. BLM, when it proposed the closures, was required to report the same to the House of Representatives and to the Senate. There is no evidence, on record, showing that said notices were given. Hence, the proposed closures, on their face, violate due process. A proposed closure that violates law or Constitutional right cannot be signed by BLM. As such, BLM does not have the jurisdiction to sign the proposed closures, the NEMO. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)



**PC #: 385**

**Public Concern: The BLM should reference the California Division of Mines and Geology's Special and Open File Reports when exploring impacts on mineral resource availability.**

We recommend that the final EIS include the following information and analyses: In discussing impacts on mineral resource availability, use should be made of the Division's Special and Open File Reports on mineral resources in the project area, as well as of the reports and maps of other agencies with expertise in mineral resources; i.e., U.S. Bureau of Mines and the U.S. Geological Survey. (California State Department of Conservation, Division of Mines and Geology, Sacramento, CA – #M38)

**PC #: 386**

**Public Concern: The Final EIS should state that mining operations will be allowed to continue in the CDCA Planning Area.**

Based on our review of the proposed Plan, we have determined that there are no apparent restrictions in the "Preferred Alternative" to mineral activity. The County supports this approach with regards to managing mining activities. It appears that none of the existing active mining areas are included within proposed DWMAs, we support this approach and would oppose inclusion in conservation areas. Based on the information contained in the documents, we would expect that existing operations can and will continue, however, we would like to see an explicit policy statement in this regard. Likewise, it appears that the Plan proposes no withdrawals of areas to mineral entry. The County endorses this approach, however, we would like to see an explicit policy statement that effect. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

**PC #: 387**

**Public Concern: The BLM should allow motorized dry washers/mining activities on lands where vehicle recreation is allowed within desert areas.**

My concern about is that one of the regulations that they did through settlement in court with the biodiversity group is that we cannot use dry washers in the desert. Dry washer motorized is nothing more than a leaf blower that every homeowner uses at home and everywhere in the desert and in the city. We don't go and destroy, because we only can go during the cold months to the desert and during the summer months in the mountains. What it is the motorized dry washer, there are three kinds. One hand operated, one battery operated, and one they use in leaf blower, the same leaf blower that you use at home. The leaf blower doesn't impact that much damage. The most that you can get at one time would be maybe 20 people, 10 people, and that's only once a month. And we don't go every month. Sometimes we don't go for two or three months. And most of the time, it's three or four people. So it's not that big of an impact. But in the same area that we are prohibited to use it, they allow motorcycles to go—I don't have anything against motorcycles, because I would like the motorcycles to go, too. They allow motorcycles, like a hundred them, go in the same area that we are prohibited to use. That's in the Randsburg area and the Coolgardie area. So I would like to see what impact we really cause, because sometimes it's three or four people on a weekend there. But we impacted, because that's the best way—when it's wet—I don't know how long it takes, but when it's wet weather and the ground is damp, the only way we can strike the gold and prospect is with the motorized air blower dry washer, because it will dry the dirt and the sand to a point that we can recover the gold. I hope something can be done about that. (Individual, No Address – #M304)

And they've got this where you can't use your dry horseshoe with the dry leaf blower. And I go out there, and I'm shoveling everything, an awful lot of dirt. Because that's the way you find your gold is moving the soil. And a hard day's work out there, you might make enough money to buy a Big Mac. That's about just how much gold you get. (Individual, No Address – #M305)

Dry wash miners around here, they're doing more good than what these great big miners are doing. We're making holes that gather water for the animals and stuff so they can live, but when you get your big miners, they're taking the whole works. You say, "Hey, Canada, come on down. We got gold her in Nevada. You little miners get the hell out," is what you're saying. "You little prospectors get out of the desert. Go hungry. We got other big companies that want that gold." (Individual, No Address – #M314)



**PC #: 388**

**Public Concern: The BLM should allow a greater than one percent disturbance limit for mining operations.**

4.2.2. Desert Tortoise Alternative 2. Impacts to Minerals and Mining: The establishment of a 1% surface disturbance limit is arbitrary and unnecessary, and unrelated to health of the overall environment. (Individual, Mill Valley, CA – #M31)

**PC #: 389**

**Public Concern: The CDCA Plan Amendment should adopt a 10 acre disturbance area, rather than 100 acres, which can be evaluated without an Environmental Impact Statement.**

The Draft proposes that BLM enter into programmatic consultations with the USFWS to allow all projects that disturb less than 100 acres and that also do not require an EIS. One hundred acres of disturbance provides far too wide a window for ground disturbing activities. A reasonably sized mine, like the cinder mines in the area, often do not disturb 100 acres. We suspect that BLM annually approves very few projects that disturb more than 100 acres in the California Desert (except for utility lines). Most of the BLM actions involve far fewer acres. Thus, under the Proposed Alternative, most BLM approvals would be programmatically covered without site-specific and individual project review under Section 7 of the ESA. We oppose any effort to exempt virtually any site-specific activity in DWMA's from consultation. The present programmatic consultation for mining operations covers ten acres of disturbance or less. The Proposed Plan Amendments should adopt nothing less. (Preservation/Conservation Organization, Oakland, CA – #M27)

**PC #: 390**

**Public Concern: The BLM should enforce mining standards to ensure resource protection.**

All lands in tortoise reserves shall be withdrawn from mineral entry. The BLM says that this measure is not necessary, as few claims are present in tortoise habitat. Some are and things change. For the tortoise to recovery over a fifty-year period we need to take fifty-year measures to ensure protection Mineral withdrawal is a necessary one. (Preservation/Conservation Organization, Oakland, CA – #M76)

Standards for mining reclamation and mitigation must also be enforced. The BLM must always balance all resource values, with mineral values only one of them, and then determine which resource values are highest. It may turn out that Native American values may be highest, or scenic or wildlife values, and mining should not occur in a particular area. When this occurs, BLM must say no to mining—the BLM Organic Act supersedes the 1872 Mining Law. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

## **Social and Economic Resources**

**PC #: 391**

**Public Concern: The BLM should evaluate their definition of a “small entity” within NEMO.**

BLM asserted that the proposed rule, NEMO, would not have a significant impact on a substantial number of small entities. This assertion, BLM premises upon their own definition of a small entity. BLM cannot use their own definition for a small entity. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 392**

**Public Concern: The BLM should provide documentation that the Initial Regulatory Flexibility Analysis was conducted for the NEMO Planning Area.**

Rather than publishing the IRFA, the BLM instead published an alleged summary of it. And they made reference to the IRFA. That summary of the IRFA, however, is wholly inadequate. It fails to summarize the information required under subsection (b) of section 603 of Title 5 of the United States Code. Additionally, that summary violates yet



another instruction. BLM is to utilize only the authorized definition for a small miner. As BLM has failed to comply with the Regulatory Flexibility Act, the proposed rule, the NEMO, cannot therefore be processed. (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 393**

**Public Concern: The BLM should comply with the definition of the Small Business Act and not create their own unpublished definition.**

BLM, rather than complying with SBA's definition, instead, utilized their own unpublished and unauthorized definition. Here, it is obvious that the BLM only considered mining operations that were in full blown extraction operations, with an approved plan of operations. There are, at least, 100,000 currently recorded mining claims throughout lands managed by the BLM in California, many of which are within the lands subject to the NEMO. Each of these mining claims is owned by, at least, one small miner. Hence, there are approximately 100,000 small miners who will be affected by the proposed rule, NEMO, and not a mere handful as the BLM would have us believe. This fact, that a number of small miners would be adversely affected by the proposed rule, the NEMO, was confirmed by the District Court. "Moreover, the new rule's requirements concerning the amount of regulation on the smaller notice level mining operations, the dollar amounts the BLM can require for all bonds, and the additional procedural expenses incurred by miners when obtaining the bonds, appear to have a large impact on the small miner. Effects on small businesses and industry-wide changes in regulatory expenses, however, are precisely what the procedural safeguards of the RFA and the APA are set in place to address." (*Northwest Mining Association v. Babbitt*, 5 F.Supp.2d 9,15 (DDC, 1998). (Multiple Use/Land Rights Organization, San Bernardino, CA – #M11)

**PC #: 394**

**Public Concern: The Final EIS should present an analysis of potential local economic impacts.**

Both the NECO and NEMO plans will have a significant economic impact on our desert communities who provide services for visitors. I did not see an economic analysis of how this impact would affect these desert communities, as required. These plans will impact tourism, family recreation (in all forms, including hunting, rock hounding, back country exploring, camping, photography, etc.), mining, the film industry, business development, local government tax bases and so on and nowhere are these effects analyzed. (Recreational Organization, Ridgecrest, CA – #M79)

**PC #: 395**

**Public Concern: The Final EIS should include an analysis of local county tax revenue impacts.**

**LOSS OF TAX REVENUE FROM REDEUCTIONS TO PRIVATE LAND BASE**

The Plan and/or EIS does not adequately recognize potential economic impacts on local government tax base. There appears to be no provision of offsetting or compensating for the loss of tax base. We recommend that the Plan include an implementation policy that strives to maintain balance between private lands acquired and public lands disposed (within each county), in order to maintain stability and equity for each individual county's tax base. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

**LOSS OF TAX REVENUE FROM ELIMINTAION OF OR REDUCTION IN GRAZING ALLOTMENTS**

The BLM should recognize that in eliminating or reducing livestock grazing use, there is a loss to the County in more than its share of grazing fees. The County collects a Possessory Interest Tax on the allotments, based upon the use made. The County will incur some economic impact from the proposed grazing implementation measures that should be fully evaluated in the final documents. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

**PC #: 396**

**Public Concern: The Final EIS should include justification for the inclusion of the 1989 retail sales figures from the Barstow Chamber of Commerce.**

Sec. 3-13.8 – Socioeconomic – the Barstow Chamber of Commerce's 1989 annual income based on retail sales of \$278,231,000 seems really high – please check and put the justification for this in the plan. Also, I would guess that



a great deal of this comes from tourism to Las Vegas or other areas outside of the CDCA, or from Ft. Irwin – please justify the relevance of this figure to the plan, and how much of the income to Barstow would really be affected by implementation of the plan. (Individual, Ridgecrest, CA – #M57)

**PC #: 397****Public Concern: The Final EIS should analyze the social and economic impacts of route closures to motorized recreationists.**

Many residents have chosen to live in this great state and work at reduced income levels in order to enjoy the motorized recreation opportunities that our public lands provide. Now with the cumulative impact of so many motorized closures, this benefit is greatly diminished and the quality of life has been significantly impacted. The document must evaluate the cumulative effect of all management decisions that contribute to social and economic impacts on motorized recreationists. Decision-making must be based on mitigating the cumulative socio-economic impacts that past decisions have had on motorized recreationists. (Recreational Organization, Helena, MT – #M73)

The environmental document must evaluate the social and economic impact to motorized recreationists of not having motorized recreational opportunities in the nearby forests. These impacts include the cost of having to travel farther and farther in search of fewer and fewer motorized recreational opportunities in times of increasing travel costs. A 200-mile round trip costs at least \$70 and that cost will continue to increase substantially in the future. The document must evaluate the economic cost of fewer motorized recreation opportunities on motorized recreationists. The document must evaluate the cumulative effect of all management decisions that contribute to these social and economic impacts on motorized recreationists. (Recreational Organization, Helena, MT – #M73)

**PC #: 398****Public Concern: The BLM should develop a plan to use OHV gas tax monies to support OHV recreation and motorized vehicle impact mitigation.**

Fuel Used for off-road recreation in California is estimated at 181,056,533 gallons per year (Report ORNL/TM-1999/100, Federal Highway Administration). Assuming a typical refund of \$0.2775 per gallon for off-road fuel use to account for the value of improvements and programs that purchasers of OHV gas do not receive through the federal highway program. Therefore, about \$50,243,188 is paid by off-road recreationists in fuel tax each year and should be available to support OHV recreation. This amount of annual funding would be sufficient to address all OHV mitigation, maintenance and educational projects necessary to protect the environment and meet motorized recreationists' needs. However, very little of this money is returned to OHV recreation. Therefore, OHV recreationists have a substantial funding mechanism in place in the form of gas tax, yet very little of this tax is returned to OHV projects. Federal and state agencies must evaluate why the OHV gas tax system does not function to serve the needs of OHV recreationists. Then a plan should be developed and implemented that will use OHV gas tax monies to address the needs of OHV recreationists. The document must evaluate justice issues surrounding the use of OHV gas tax monies for purposes not related to OHV recreation. The document must evaluate the cumulative effects on motorized recreationists of diverting OHV gas tax monies including the impacts associated with; the lack of maintenance, the backlog of maintenance, the lack of mitigation projects, the lack of education and management programs, and the resulting loss of OHV opportunities and reduced quality of life for OHV recreationists. (Recreational Organization, Helena, MT – #M73)

**PC #: 399****Public Concern: The BLM should reconsider the toll stations proposed on State Highway 190.**

The charging of entrance fees at toll stations located on the publicly funded State Highway 190, a major interstate access road, would further alienate a local populace forced to use southern Inyo County's own thoroughfare to access a major urban area and airport facility at Las Vegas or conduct south county business. (Individual, No Address – #M25)



**PC #: 400****Public Concern: The BLM should preserve desert resources for the well-being, enjoyment and education of future generations.**

Our nation's wild areas are the greatest treasure we can pass on to our children and grandchildren. As a teacher, the future my children will be offered is of utmost importance to me. (Individual, Broomfield, CO – #M32)

The Desert Protective Council believes that we have an obligation to the citizens of the U.S. and of the entire planet to preserve and protect the unique resources and beauty of the Mojave Desert for now and for generations to come. Our health and well-being are assured only if we preserve our land and our resources. (Preservation/Conservation Organization, San Diego, CA – #M61)

How we choose to manage vehicle travel, grazing animals, and water resources will decide the future of the Mojave. It is our responsibility as stewards of the land to leave it in the best possible shape for our descendants. This management plan needs to be weighted heavily in favor of conservation rather than exploitation.

(Preservation/Conservation Organization, Las Vegas, NV – #M75)

**PC #: 401****Public Concern: The BLM should preserve motorized access to public lands for the enjoyment of future generations.**

I don't know what the government is trying to do, what they're trying to protect these lands for. Is it for our grandchildren? Because if it's for our grandchildren, they're still going to be closed lands. We're still not going to be able to take our grandchildren out on them or their grandchildren, and by the time you get a couple of grandchildren's generations down the line, those children will have forgotten that they can go out into the desert. They'll have forgotten what it's all about out there. They won't be able to get on it so they'll just be in their little apartments, in their little cities, driving on their little hard roads. (Individual, No Address – #M318)

We recently returned from a trip where we had lunch at a place that maybe one percent of the population in the entire world will ever see, and it's doing things of that nature that we enjoy and we pass that onto our children, preferably to our grandchildren. If you continue closing access to these areas, then my children and my children's children will not have access to them to see these sights, and these are not your average scenic overlook. These are places we enjoy going to because nobody may have been there in four or five years. We may have been the only ones in that area. That's part of the reason we enjoy going there is because on one else goes there. (Individual, No Address – #M344)

**PC #: 402****Public Concern: The Final EIS should include a cost-benefit analysis of fencing proposals and should limit actions appropriately.**

If the desert tortoise is mainly dying from disease, then why are these areas being fenced off at our expense and closed to OHV use? I feel that it is a waste of taxpayer money to fence these tortoise in and us out. (Individual, Bellflower, CA – #M69)

The fencing of county roads could be a significant cost for San Bernardino County, unless federal funding is made available. The County does not support the idea of fencing the entire Area of Critical Environmental Concern boundaries if such proves to involve excessive costs. While laudable and an action that will assure public awareness of the existence of the Areas of Critical Environmental Concern, we question whether funding such a project in this remote area, if some degree of public use is still going to be permitted, is economically justified for public expenditure of public funds. We would suggest a modification to the extent that fencing may be installed to areas where trespass and severe degradation is occurring from incursions. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #M72)

## Cultural Resources and Tribal Concerns

### PC #: 403

#### **Public Concern: The Final EIS should include provisions that address the preservation of historical and cultural sites.**

This NEMO plan fails entirely to address historical preservation yet it is intimately linked to vehicle management. The Sierra Club can think of no vehicle event in the CDCA that complies with the National Historic Preservation Act and the BLM's Memorandum of Understanding with the Advisory Council on Historic Preservation or the BLM's Memorandum of Understanding with the California State Historical Preservation Office.

(Preservation/Conservation Organization, Whittier, CA – #M77)

I urge the BLM to regard the cultural resources existing on BLM lands as being very important to understanding our world and ourselves. I would like to see an intent to actively manage and preserve our cultural heritage in order to protect the past for the enjoyment and study of future generations. (Individual, Baker, CA – #M178)

### PC #: 404

#### **Public Concern: The BLM should preserve sites of western heritage and cultural significance.**

We are concerned about the preservation of old mines, cabins, settlements, railroads and other features used by pioneers, homesteaders, loggers, settlers, and miners. These are important cultural resources and should not be removed from the landscape. Western culture and heritage has been characterized by opportunities to work with the land and preservation of any remnants of this culture and heritage is important. Current land management practices are not adequately protecting western culture and heritage including the opportunity to work with the land.

(Recreational Organization, Helena, MT – #M73)

#### **OPEN MOTORIZED ACCESS LOOPS WITH INTERPRETATIVE DESTINATIONS**

In addition to taking steps to protect our local western culture and heritage, federal agencies should implement travel plan alternatives that include these features as part of motorized interpretative destinations and loops. (Recreational Organization, Helena, MT – #M73)

### PC #: 405

#### **Public Concern: The Final EIS should analyze the impacts of route closures to the preservation of western culture.**

Forest visitors use all of the motorized roads and trails that exist today. The use of this network of motorized roads and trails is part of local culture, pioneer spirit, heritage and local tradition. The quality of life for the multiple-use public is being impacted by the cumulative effects of all motorized access closures. The significant closing of motorized routes in the project area does not meet the basic requirement of the National Environmental Protection Act of 1969 as stated in Sec. 101 (b) (5), "... achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities." A high standard of living includes recreation opportunities that meet the needs of motorized visitors. We do not understand why this area and many others in our public lands cannot be shared with all forest visitors. The environmental document must evaluate the current allocation of motorized versus non-motorized recreation and access opportunities in our public lands. A fair allocation would be based on meeting the needs of non-motorized and motorized visitors equally. The decision-making must provide for a high standard of living and equivalence in quality and opportunity for motorized visitors in comparison to non-motorized visitors. The environmental document must evaluate the impact of this proposed action and the cumulative impact of other decisions on environmental justice and the standards of living for multiple-use and motorized visitors. (Recreational Organization, Helena, MT – #M73)



**PC #: 406**

**Public Concern: The CDCA Plan Amendment should limit large group recreation activities in areas of potential archeological or other resource value.**

We are concerned about the permitting of large groups for recreation of any sort in fragile areas just now becoming known, such as the Inyos. A general plan should precede permitting in areas vulnerable because of delicate archeological and other resources that may not have been inventoried or conserved yet. (Preservation/Conservation Organization, Ridgecrest, CA – #M78)

**PC #: 407**

**Public Concern: The BLM should evaluate motorized travel impacts in context to past disturbances and limit route closures accordingly.**

While strenuous efforts are made to restrict human activity in NEMO, and allegations are made about the slightest imagined impacts of a vehicle driving along a dirt road, the past major human interferences with nature in the area are regarded as cultural resources. Indians hunting and gathering the fauna and flora of the area for a living evidently caused no long-term damage to the area, but if such activities were pursued now they would undoubtedly be prohibited. Similarly, the large scale building of mines and railroads, with the accompanying heavy vehicular traffic, would not be allowed now even though the results are regarded not as a disturbance of the “fragile habitat,” but as a valuable cultural resource. It is agreed that these relics are interesting and worthy of preservation to the degree practical, but it should also be noted that a certain amount of perspective is needed in criticizing modern day activities which have much lower impact. (Individual, Mill Valley, CA – #M31)

**PC #: 408**

**Public Concern: The Final EIS should evaluate utilizing multiple-use management principles to protect western culture and values.**

We are fortunate to have extensive public lands to support the western culture. Western culture must be protected. We respect the use of public lands by others but they cannot trample our rights in return. Multiple-use management principles will protect western culture and values and the decision-making should be based on implementing a multiple-use alternative. The document should evaluate the multiple-use measures required to protect western culture and values. (Recreational Organization, Helena, MT – #M73)

**PC #: 409**

**Public Concern: The BLM should maintain limited and strictly monitored motorized vehicle access to the Tonopah & Tidewater Railroad roadbed.**

I grew up on the Tonopah & Tidewater Railroad and have a special deep interest in maintaining the pristine condition of its roadbed and country consistent with preserving its history and archeological features. At the same time, there is need for responsible public access beyond hiking trails – not all of us are strong hikers. As a member of the Nevada Shortline Forum, I am interested in historical preservation, research and appreciation of the Tonopah & Tidewater Railroad. Unless there is on-site supervision of the remaining roadbed, irresponsible vandals will enter the area regardless of signs and barriers. Groups such as ours would be among the thankful beneficiaries if a way could be found to limit auto access to only those visiting the area responsibly. Could you consider closure to autos except by special permit for those of us unable to hike long distances? Such special visitors could be required to report vandals or vandalism to the BLM, and in that way they could serve as a deterrent to such destruction not possible otherwise. Special visitors might also be asked to document and report area conditions back to the BLM. (Individual, Ingomar, PA – #M19)

When I researched the Tonopah & Tidewater Railroad in the early 1970s, I had legal and unrestricted access to the railroad sites. It is alarming that today such access is gone. It is a right that has been lost. Many of the people who want to visit the Tonopah & Tidewater grade, including the Friends of the Tonopah & Tidewater, cannot do so by foot or horseback. Because of physical disabilities, many can reach these sites only with the use of motorized vehicles. I myself have physical disabilities that limit me to only short hikes. It is imperative that any plan for the Northern & Eastern Mojave area include the responsible use of motor vehicles to access the entire Tonopah & Tidewater grade and adjacent railroad and mining archeological sites. I don't propose unrestricted motorized access. But I do earnestly champion some such use on at least a monthly basis with groups being escorted along the



Tonopah & Tidewater with BLM officials or BLM-trained volunteers. It would be wrong to deny easy motorized access to the Tonopah & Tidewater grade when it is historical fact that people have been driving up and down the grade and adjacent sites between Goldfield and Ludlow since the rails were pulled in 1942/43. This precedence argues strongly for future continuation. (Individual, Henderson, NV – #M29)

**PC #: 410****Public Concern: The BLM should keep open access routes to Mesquite Spring.**

**Mesquite Spring.** I note this area is identified in the plan for possible route reductions. This was a stop on the Tonopah & Tidewater Railroad, and it is important that access to the site and environs be preserved for future research. (Individual, Riverside, CA – #M10)

**PC #: 411****Public Concern: The BLM should protect cultural resources by retaining Area of Critical Environmental Concern status for the Greenwater Canyon area adjacent to Death Valley National Park.**

The National Park Service recommends the Area of Critical Environmental Concern status be retained for Greenwater Canyon adjacent to Death Valley National Park to aid in the overall protection of this important cultural resource area. In the Draft EIS, it is unclear if BLM and California State Historic Preservation Office have confirmed that significant cultural resources do not exist in the Area of Critical Environmental Concern. (U.S. National Park Service, Oakland, CA – #M42)

**PC #: 412****Public Concern: The BLM should close historic trails to motorized travel.**

The plan should note that the historic integrity of trails such as the Mojave Road are destroyed when vehicles drive on them – the historic trail tread is destroyed, and what is left is just another dirt road in the desert. (Individual, Ridgecrest, CA – #M57)

**PC #: 413****Public Concern: The BLM should not implement the proposed Old Spanish Trail closure.**

3.8.5: Historical Trail Touring: The one negative point in this section is the closing of a section of the Old Spanish Trail to “preserve” it. This is an unfortunate and misguided action. In the case of this and many other historic trails, they are only kept in being by occasional use (as they were originally by more frequent use). Closing them allows them to become overgrown and eventually lost. (Individual, Mill Valley, CA – #M31)

**PC #: 414****Public Concern: The BLM should not consider the East Mojave Heritage Trail an historic trail.**

Sec. 3.8.5 – Table 3-3 – delete the East Mojave Heritage Trail from this table. It is not an historic trail (certainly not in the sense of the Mojave Road or Old Spanish Trail) – it was cobbled together from bits and pieces of roads and trails, probably not more than 25 years ago. To repeat, it has no real historic interest as a whole, although individual points along it may be historic. (Individual, Ridgecrest, CA – #M57)

**PC #: 415****Public Concern: The BLM should consider reopening the East Mojave Heritage Trail.**

As a management action to look into, the reopening of the 650-mile East Mojave Heritage Trail should be actively pursued through adjustment of “Wilderness” boundaries etc. (Individual, Mill Valley, CA – #M31)



**PC #: 416****Public Concern: The BLM should acknowledge that the Mojave Indian Tribe inhabited a much larger area than stated in the Draft EIS.**

The reference to the Mojave on page 3-17 implies that only lands adjacent to the Colorado River were inhabited by the Mojave. A sustained Mojave presence in ancient times occurred from the Salton Sea to Las Vegas, and from the Barstow area to the Gila Bend, Arizona vicinity. Recent investigations by Jeannette McKenna (report in preparation) indicate that two cultural groups (Mojave and Serrano) lived in the same village in the Yermo area in 1305. The Mojave inhabited a much larger area than "portions of the Mojave Desert adjacent to the river," as stated in the Draft EIS. (Ahamakav Cultural Society, Mojave Indian Tribe, Mojave Valley, AZ – #M81)

**PC #: 417****Public Concern: The CDCA Plan Amendment should include protocols respecting tribal legal rights to cultural resource confidentiality.**

The mandates in several laws and regulations mentioned on page 4-41, in regard to dissemination of data about cultural resources to other researchers and the public, disregards other laws and regulations that require confidentiality if Tribes so desire. ("Cultural resources within the expanded ACEC would become part of a permanent complex of important cultural resources that would be available for study, interpretation, and public enjoyment into the foreseeable future.") The problem with the western civilization rational thought processes is evident when archeologists and others see archeological sites only as objects with no sacred aspect, as if the resource is only valuable in western terms. Part of the BLM's trust responsibility to Tribes is to accede to the desire of Tribes that sites be preserved in place, and not restored and interpreted for the edification and entertainment of the non-Indian public. (Ahamakav Cultural Society, Mojave Indian Tribe, Mojave Valley, AZ – #M81)

**PC #: 418****Public Concern: The Final EIS should include information about the inventory and protection of Native American cultural sites.**

I have found nowhere in the NEMO Draft that it speaks to Native American Sites. However I have found areas that will be affected by the closures. Some of these areas have great historical and or religious value to our Native Americans. Again it appears that the NEMO Plan deliberately discriminates against this cross-section of people. (Individual, Big Bear Lake, CA – #M70)

**PC #: 419****Public Concern: The Final EIS should emphasize avoidance and provenience for cultural sites.**

The statements on page 4-8 in regard to not doing data recovery and instead prioritizing avoidance and preservation in place of archeological sites, coincide with our policy which emphasized preservation in place. We will bring this to the attention of Las Vegas BLM in regard to proposed data recovery of a cave visible from the proposed route of a transmission corridor near Primm. (Ahamakav Cultural Society, Mojave Indian Tribe, Mojave Valley, AZ – #M81)

**PC #: 420****Public Concern: The BLM should maintain motorized access to cultural and Native American sites.**

Alternative 1: Impacts to Cultural and Native American Values: "Routes leading to, through, or terminating at, areas of known sensitivity, increase the possibility of inadvertent and intentional damage to cultural resources." This is true to some extent, but it is also true that such routes are the only practical means of allowing visitation and appreciation of the said cultural resources. Visitors who only see petroglyphs as photographs in a visitor center but can never visit them out in the desert in real life are unlikely to appreciate, respect or support the preservation of them. The fact that 27 previously unknown (to the BLM) cultural sites were discovered recently in one small area of NEMO is an illustration that the coming and going of "cultural sites" is an ongoing and dynamic process. The environmental "desecration" of today is classified as the "cultural resource" of tomorrow. This process should be

allowed to continue. By all means educate people not to destroy them, but do not make visitation difficult or practically impossible by imposing a half-mile round trip hike on all visitors. Preventing today's people from visiting sites from previous people defeats the purpose of historic appreciation and the feeling of continuity and community of human culture. (Individual, Mill Valley, CA – #M31)

**PC #: 421**

**Public Concern: The BLM should reconsider proposed route closures within 1/4 mile of sacred sites and cultural resources.**

*"Close any route within 1/4 mile of a significant sacred site or cultural resource that may be lost."* Limiting access to extremely sensitive archaeological sites may be justified in some cases. However it must be recognized that the coming and going of "cultural sites" is an ongoing and dynamic process, with the "desecration" of today being classified as the "cultural resource" of tomorrow, and this process should be allowed to continue. Preventing today's people from visiting sites from previous people defeats the purpose of historic appreciation and the feeling of continuity and community of human culture. (Individual, Mill Valley, CA – #M31)

**PC #: 422**

**Public Concern: The CDCA Plan Amendment should require archeological survey, with site-specific analysis and mitigation, prior to any ground disturbing mining activities.**

On page 4-56, it appears that BLM is trying to say that the 1872 Mining Law outweighs such laws as the National Historic Preservation Act and the Archeological Resource Protection Act, when the outmoded 15 day notification of intent to conduct ground disturbing activities is provided by miners to BLM. We insist that site specific analysis and mitigation be afforded to cultural resources identified in mandatory BLM archeological surveys of the areas involved, prior to any ground disturbing activities by mining interests. We found that up to 2,500 incidents per year of mining related ground disturbance in Arizona occur on BLM lands without archeological survey. Please provide us a quantification of the number of such incidents per year, and whether or not archeological survey was done, and if so, why we were not consulted. The information conveyed in Appendix K on this matter is deficient in that Tribes are not mentioned, nor are Sections 106 and 110 of National Historic Preservation Act, and it is not stated in a clear manner that the ground disturbing activities often take place without prior studies. Please provide the number and locations of such ground disturbing activities for the past five years. We also need a copy of BLM's programmatic agreement. (Ahamakav Cultural Society, Mojave Indian Tribe, Mojave Valley, AZ – #M81)

**PC #: 423**

**Public Concern: The CDCA Plan Amendment should end or radically restrict off-road vehicular activities to reduce Mojave Indian Tribe cultural resources impacts.**

The various alternatives presented in section 4.8 detail the impacts such races have already caused to the desert and the plants and animals in the areas impacted. When the cycle of life of sacred animals such as the tortoise (kapet) is disrupted, our Elder advisors feel there is an impact to Mojave culture as well. We support the alternatives that would end or radically reduce off-road vehicular activities. (Ahamakav Cultural Society, Mojave Indian Tribe, Mojave Valley, AZ – #M81)

## Technical/Editorial

**PC #: 424**

Chapter 3-33, Section 3.10 Minerals and Mining, and Appendix K-9-11 – These sections are a reasonable description of the three categories: (1) locatable, (2) leasable, (3) saleable minerals. Figure 3.a., NEMO Active Mines & Mineral Potential map legend has no correlation to that terminology used in Section 3.10, and Appendix K-9-11 (see enclosed Figure 3.a.). (Individual, Las Vegas, NV – #M13)

p. xv. The plan provides "... to the extent feasible, the preferred alternative provides a public access network. . . . where it does not jeopardize T&E conservation and recovery." The phrase "to the extent feasible" should be



removed—vehicle access should never threaten T&E species. Also, add that vehicle access should not compromise other values, such as esthetic. Also, the goal of the plan should be no vehicle access expansion, not just to keep the same pace of development. Sec. 1.1—Purpose and need—emphasize that not every use has to occur on every square foot of land. (Individual, Ridgecrest, CA – #M57) I note that in line 6 on p. 0-3 there is extra “near.” On Line 8 there is a reference to “Hot Springs”—this should be corrected, presumably it is referring to Tecopa Hot Springs. In the third line—upper should not be capitalized. In the last line on this page, what does “Shoshone-side” mean? (Individual, Ridgecrest, CA – #M57)

The following comments are offered for your consideration in preparing the Final EIS: To improve readability, we suggest assigning a single designation to the preferred alternative (e.g., Alternative2). Additional numerical designations should only be given to alternatives which deviate from both “no action” and the preferred alternative for every topic discussed (i.e., they are completely separate alternatives which stand on their own for the purpose of analysis). Additional sub-alternatives proposing an alternative method of dealing with a specific issue can be designated using letters (e.g., Alternative 2, Option A) or some other method. Formatting the document in this way will reduce the need to continually refer to previous alternatives in the impact analysis section. (U.S. Environmental Protection Agency, San Francisco, CA – #M68)

Second bullet states, “What strategies should be pursued to help ensure a continuing riparian flow. . . necessary for T&E plants to survive and thrive?” [[Carson Slough]]. Under the preferred alternative, 2.4.2.2, the DEIS describes the intent to develop strategies within a 3-year period and identifies an action to ‘delineate the Amargosa aquifer’. However, no other explanation is given for this designation, such as its purpose, what area is encompassed, protections afforded and upon what authority such designation is based. In App. B -Implementation Plan, the table on page B-7 provides no task statement consistent with an aquifer ‘designation’. (U.S. National Park Service, Oakland, CA – #M42)

Allotments Colton Hills (09202) and Gold Valley (09212) need to be dropped from BLM’s records. (U.S. National Park Service, Oakland, CA – #M42)

Kessler Springs (09008) is owned by the National Park Service and should be removed from the table. (U.S. National Park Service, Oakland, CA – #M42)

Piute Valley (9004) Allotment is an ephemeral allotment. (U.S. National Park Service, Oakland, CA – #M42)

The last bullet refers to the ‘Amargosa’ aquifer. On page 3-15, under 3.3.2 WATER, there is discussion about the Amargosa River, but not the ‘Amargosa aquifer’. We believe the appropriate reference would be the ‘upper aquifer in the Amargosa Desert consisting of the unconsolidated valley fill sediments (i.e. valley or basin-fill aquifer)’. (U.S. National Park Service, Oakland, CA – #M42)

NPS recommends a clarification of Wilderness Study Area (WSA) “release” language in the CDPA. If the CDPA did not specifically release the land from WSA status, then it is still in WSA status. (U.S. National Park Service, Oakland, CA – #M42)

The second paragraph-second sentence contends the area is generally characterized by deep water tables. It should also be stated “except where the water tables of the upper and deeper bedrock aquifers intersect the land surface to produce intermediate and large volume spring discharges. These discharges form the flows which maintain riparian and T&E plants and animals.” (U.S. National Park Service, Oakland, CA – #M42)

The last sentence of the first paragraph refers to commercial groundwater pumping in Ash Meadows. This should state that ‘commercial groundwater pumping occurs near Ash Meadows’ in Amargosa Valley. (U.S. National Park Service, Oakland, CA – #M42)

Literature Cited (Section 6.2) does not contain a complete listing of references made throughout the document. (U.S. National Park Service, Oakland, CA – #M42)

Fig. 2 is confusing and does not clearly show the grazing allotments within the Mojave National Preserve. NPS recommends allotments be labeled and the retired allotments shown as retired. (U.S. National Park Service, Oakland, CA – #M42)

Fig. 3 needs to define NPS-owned areas. (U.S. National Park Service, Oakland, CA – #M42)

Several figures, starting with Fig. 3a, incorrectly label the Twentynine Palms Marine Base as Joshua Tree National Park. (U.S. National Park Service, Oakland, CA – #M42)

Fig. 6.a does not accurately reflect the lands within the Mojave National Preserve. (U.S. National Park Service, Oakland, CA – #M42)



Fig. 7.a would be more easily understood without the delineation of NPS boundaries. (U.S. National Park Service, Oakland, CA – #M42)

This figure incorrectly shows Clark Mountain as a burro range managed by BLM. (U.S. National Park Service, Oakland, CA – #M42)

All figures: Maps do not depict Wilderness boundaries on NPS lands. NPS can provide updated maps showing the most current Wilderness boundaries within Mojave National Preserve. (U.S. National Park Service, Oakland, CA – #M42)

While removal of horses and burros from NPS land is coordinated between NPS and BLM, it is important that the NEMO not imply that wild horse and burro management on NPS land is a BLM responsibility. The text needs to make clear that the BLM does not manage horses and burros on NPS lands. (U.S. National Park Service, Oakland, CA – #M42)

These documents [DEIS] should provide more detailed mapping products at a legible scale to allow for the precise delineation of privately owned parcels identified for acquisition from willing sellers, including the provision of legal descriptions and Inyo County Assessor's Parcel Numbers. (Inyo County Board of Supervisors, Independence, CA – #M37)

In your draft there are no less than 12 maps that are in error. The shaded area south of 1-40 is the Marine Corps Air-Ground Combat Center, not the Joshua Tree National Park. I hope that this is not an indication of the veracity of this plan. (Individual, No Address – #M317)

Chapter 1 page 15: The National Materials and Minerals Policy, Research and Development Act of 1980 should be its own separate bullet. Chapter 1-18: A revised Draft of both the Death Valley National Park and Mojave National Preserve GMP and EIS were issued in the summer of 2000. The text of the Draft Plan Amendments states that such documents are "expected." Chapter 1-18: Please add a paragraph on the Joshua Tree National Park General Management Plan Amendment adopted in January 2000. Chapter 3-19: The Draft Plan states that three of the allotments covered by the Plan now have portions within Death Valley National Park. For clarity's sake, please list the three. Chapter 3-31: Rockhounding is prohibited not only in the National Parks in the California Desert but also in the Mojave National "Preserve." (Preservation/Conservation Organization, Oakland, CA – #M27)

Soil Infiltration and Permeability Rate Standard. The regional standard for soil requires that soils exhibit infiltration and permeability rates appropriate to soil type, climate, geology, land form and past uses. The standard should include an objective or numerical landmark by which one can determine whether the soil infiltration and permeability rate is appropriate. (Recreational Organization, San Diego, CA – #M67)

Objective Standard By Which Species Can Be Evaluated Must Be Provided in Addition to Indicators Listed. The EIS at page 2-6 lists the standards of public health in the NEMO Planning Area. For native species, the EIS lists indicators for healthy, productive, and diverse habitats for native species. These indicators include photosynthetic and ecological processes, plant vigor, nutrient cycle, energy flow, etc. The EIS cites to no objective standard for judging whether the plants meet these indicators. (Recreational Organization, San Diego, CA – #M67)

Desert Tortoise Conservation and Recovery1. Citation for Desert Tortoise Habitat Goals Must be Provided. At page 2-13, the EIS identifies the goals for Desert Tortoise habitat categories 1, 2, and 3. The EIS should cite to the document that defines these goals. 2. Biological Opinions Should be Appended to the EIS. The EIS at page 2-14 lists the current biological opinions and programmatic agreements that would be part of the No Action Alternative. The EIS should include these biological opinions as an Appendix to the EIS. 3. Maps and Rationales Must be Provided for Alternative of the Modified Recovery Plan. The EIS at page 2-16 identifies Alternative 2, the Modified Recovery Plan. As part of this Modified Recovery Plan, "Category I habitat would be adjusted slightly to coincide with the critical habitat boundaries including the Ivanpah Unit (Category I eliminated north of the second main linear utility running across the southern extent of Ivanpah Dry Lake)." Given that the Ivanpah unit has experienced substantial Desert Tortoise mortality due to disease, the EIS should explain why this area continues to be designated as critical habitat. (Recreational Organization, San Diego, CA – #M67)

Amargosa Vole Recovery Plan Must be Appended to the EIS. The EIS at page 2-30 refers to the Amargosa Vole Recovery Plan. This plan should be included as an appendix to the EIS. (Recreational Organization, San Diego, CA – #M67)

The EIS Fails to Support Statements About Plant Decisions in the Lower Carson Slough Area. The EIS at page 2-36 states that portions of Carson Slough: (1) have been designated as critical habitat for the Amargosa Niterwort and the threatened Ash Meadows Gumplant, and (2) are known to support the BLM designated sensitive Tecopa Birdsbeak as well. Finally, the EIS claims that a federally threatened Spring loving centaury may also occupy this



area. The EIS should cite to the biological data that support these statements. Carson Slough Desert Management Route Designation and Implementation. The EIS at page 2-38 discusses Carson Slough. However, the EIS provides no evidence that OHV activity threatens or otherwise affects protected plant species in Carson Slough. Therefore, there is no perceptible benefit from route designations that reduce OHV opportunities in this area. (Recreational Organization, San Diego, CA – #M67)

**B. Wildlife** 1. Non-water Associated Activities Impacts to Towhee Habitat. The EIS, at page 3-10, in discussing the Inyo California towhee, states that potential threats to the towhee's habitat "include wild burros and horses, mining, recreational activities, cattle grazing, water exportation and encroachment by rural residents." Because the towhee's habitat includes riparian habitat and a planned streambed habitat surrounding springs, the EIS should discuss—with references to technical data—how mining and recreational activities and other non-water associated activities threaten towhee habitat. 2. Does the NEMO Planning Area Contain Southwestern Willow Flycatcher Habitat? The EIS at page 3-12 discusses the Southwestern Willow Flycatcher. The EIS notes that Southwestern Willow Flycatchers nest only in dense riparian vegetation associated with streams, rivers, lakes, springs, and other watercourses and wetlands. The EIS does not state whether or not there are any Southwestern Willow Flycatchers present in the NEMO Planning Area, nor whether there is any potential habitat for the Southwestern Willow Flycatcher in the NEMO Planning Area. 3. The EIS's Discussion of the Western Yellow-billed Cuckoo Lacks Relevance and Support. The EIS at page 3-13 and 3-14 discusses the Western Yellow-billed Cuckoo, but fails to identify the extent to which the species or their habitat are present in the NEMO Planning Area. In addition, the EIS at page 3-14 states that the cause of the decline of the Western Yellow-billed Cuckoo historically and recently primarily from habitat loss on the breeding grounds. The EIS should cite to the biological information that supports that statement. (Recreational Organization, San Diego, CA – #M67)

**III. AFFECTED ENVIRONMENT A. Vegetation** 1. The EIS Fails to Cite to the Federal Register Designation of Critical Planning Area. In describing the south-central and southern area of the NEMO Planning Area, the EIS at page 2-1 states simply that this is Desert Tortoise habitat. This bare statement should be supported by reference to the Federal Register page that discusses the designation of critical habitat for the Desert Tortoise, and how that designated area coincides with the south-central and southern area of the NEMO Planning Area. 2. Support Must be Provided for Statements Regarding Plant Species Critical Habitat. The EIS at page 3-3 states that the critical habitat designated areas for the Amargosa niterwort and Ash Meadows Gumplant are separated by a 1.2 mile-wide stretch of public lands. The EIS then states that both critical habitat designated units, as well as the area between the units, are suspected to support the federal listed threatened Spring loving centaur. The EIS should refer to the technical information that supports this statement. 3. Statement Regarding Numbers of Plant Species Must be Supported. The EIS at page 3-3 states that certain ranges within the NEMO Planning Area contain an unusually high number of special status plants. The EIS should refer to the biological study that supports that statement. (Recreational Organization, San Diego, CA – #M67)

4. Not all Public Recreation is Unsupervised and Unorganized. The EIS at page 3-25 states that public recreation use of the BLM-administered lands is unsupervised and unorganized. To the contrary, many organized off-road vehicle groups conduct their recreation in an organized manner. 5. Absence of Information Does Not Justify Inferior Environmental Protection. The EIS at page 3-56 discusses released WSA MUC proposals. In discussing Cerro Gordo, the EIS states that lack of inventory data precluded a higher sensitivity rating for this area. A lack of information should not automatically defer to lower environmental protection. 6. Please provide the Standard for Changing Area MUC Designations. The EIS describes areas for which MUC designation changes are proposed. What is the standard for changing a MUC designation from MUC M to MUC L. 7. The EIS Fails to Support Statements Regarding Organized Competitive Vehicle Events. At page 3-58 the EIS discusses organized competitive vehicle events. The EIS identifies the vegetation, wildlife, soil, water, air quality, cultural resources and wilderness in the Barstow to Vegas course. For all of these entries the EIS should cite to the biological report or other technical document that supports the statements made. 8. The EIS Must Provide Evidence For Claimed Race Course Event Impacts On Vegetation. The EIS states at page 3-58 that the vegetation along the 1990 proposed course is not fully recovered from previous years' events. The EIS should cite to the technical document that has analyzed the vegetation and come to that conclusion. (Recreational Organization, San Diego, CA – #M67)

6. Objective Standard By Which Species Can Be Evaluated Must Be Provided in Addition to Indicators Listed. The EIS at page 2-6 lists the standards of public health in the NEMO Planning Area. For native species, the EIS lists indicators for healthy, productive, and diverse habitats for native species. These indicators include photosynthetic and ecological processes, plant vigor, nutrient cycle, energy flow, etc. The EIS cites to no objective standard for judging whether the plants meet these indicators. (Recreational Organization, San Diego, CA – #M67)

9. Please Provide Citation For Field Inspection of Race Course Vegetation Regrowth. The EIS at page 3-59 says that the proposed route around Solomon's Knob in the Needles Resource Area was last used in a 1974 race and a 1990 Field Inspection Event showed little regrowth of vegetation. The EIS should cite to the field inspection for verification of that fact. 10. The CDCA Plan Motorized-Vehicle Access Element Is Incomplete. The EIS at page 3-63 discusses motor vehicle access and routes of travel. The EIS notes that the BLM previously managed access under the Interim Critical Management Program (ICMP) which became invalid with approval of the CDCA Plan Amendments and the new OHV areas designations. However, since the CDCA Plan Motorized-Vehicle Access Element has not been completed, existing routes of travel in MUC M and MUC L areas will continue to follow the ICMP mapping. Baseline conditions cannot be fully evaluated until the CDCA Plan Motorized-Vehicle Access Element is completed. 11. The EIS Must Analyze Motor Vehicle Access Impacts. The EIS at page 3-62 discusses motor vehicle access and routes of travel. In this section discussing the affected environment, the EIS fails to discuss effects of motor vehicle access on vegetation, wildlife, water, air quality, cultural resources, wilderness, recreation and socioeconomic. 12. Biological Soil Crust Recover Claims Lack Support. The EIS at page 4-4 discusses biological soil crusts. The EIS makes statements regarding the condition of biological soil crusts noting that the less it rains the slower the recovery of biological soil crusts, and that it can take decades before biotics will begin to recover. The EIS should cite to the technical information or biological study that supports these statements. (Recreational Organization, San Diego, CA – #M67)

We need a glossary of abbreviations in this book. (Individual, No Address – #M340)

Appendix T was added after the fact. Because if you look in the first part of your book, it never mentions it. You can start in the first part of your text, and it doesn't mention Surprise Canyon all the way through. And that's clearly in violation of NEPA. (Individual, No Address – #M323)



# Northern and Eastern Colorado Desert Concerns

## Planning Process/Purpose and Need

### Public Involvement/Collaboration

#### PC #: 1

#### **Public Concern: The BLM should extend the comment period to allow for adequate review of proposed plans.**

I'm very concerned about the subject DRAFT as written and urge you to slow down in your planning process to allow more time for public input, discussion and consideration of public concern. I personally try to keep up with what is going on regarding our environment and in particular, out West, where I live. Yet, I just became aware of the existence of this DRAFT in late March. It evidently was completed on 26 Feb 2001; therefore, I lost one month of a three month review and comment period of a double-sided, 1.25" thick document. . . . As a concerned citizen of our environment and after having read through the DRAFT, I do not see an urgent need to rush to judgment and finalize this document. I believe the DRAFT is lacking in many areas, so I would appreciate more time to study the DRAFT and provide you with well thought out and constructive feedback from my viewpoint, which I believe to be the feelings of the vast majority of American citizens. I am not an activist or extremist on either end of this environmental issue. Attached are my immediate thoughts regarding the DRAFT. I would appreciate six (6) months more to properly study the details that are below these overview comments. Thank you for your consideration of my request. (Individual, La Jolla, CA – #C150)

The public comment period to review a plan that has taken over 5 years to put together is too short. You are expecting me to review a 2" thick document, go out and check the area on the ground, review the maps, and then provide you with my comments and suggestions within 90 days — all of which you may not use. (Individual, Oceanside, CA – #C48)

More time is necessary to insure "on the ground" checks of the proposed route maps can be accomplished. The BLM has been working on this since 1994, the public has only 30 to 60 days to make comment. I feel the comment period for routes of travel should be extended a MINIMUM of 120 days. (Recreational Organization, Glendale, CA – #C129)

As a concerned citizen of our environment and after having read through the DRAFT, I do not see an urgent need to rush to judgment and finalize this document. I believe the DRAFT is lacking in many areas so I would appreciate more time to study the DRAFT and provide you with well thought out and constructive feedback from my viewpoint, which I believe to be the feelings of the vast majority of American citizens. I am not an activist or extremist on either end of this environmental issue. Attached are my immediate thoughts regarding the DRAFT. I would appreciate six (6) months more to properly study the details that are below these overview comments thank you for your consideration of my request. (Individual, La Jolla, CA – #C150)

#### PC #: 2

#### **Public Concern: The BLM should adequately notify the public regarding opportunities for participating in the planning process.**

The fair thing to do would be to advertise these meetings in major newspapers and on TV and radio news programs to make the public aware. Then, reserve a large hall in each large city to brief the plan, answer questions, and ask for feedback from the public. It is totally unfair to do this planning in a closet, in relative secrecy. How many Americans have the time to read through and study these plans? Very few — like the number of people attending your meetings. What is your rush? Slow down and allow users of Public Land to be heard. Prove to the public that the BLM is managing the desert and not the extremists. The American people would welcome and support this action, if it is done in the OPEN. (Individual, La Jolla, CA – #C150)

You hold public meetings few people are notified of. A good example would be the two meetings in Blythe. Unpublished, 6 attended; published over 200 attended. You conduct surveys (chapter 3, page 43) of people in areas that won't make any connection between outdoor recreational activities and the desert. And when asked about



access limitations, unless it pertains to the mall, the golf course, or the casinos, they couldn't care less. (Individual, Blythe, CA – #C111)

**PC #: 3****Public Concern: The BLM should have a court reporter at public hearings.**

We will first make a few general comments regarding the April 26th Hearing at Desert Center. Richard Crowe gave a presentation followed by a question and answer session. During the question/answer session, there was no Court Reporter recording the proceedings. Many people presented their questions and concerns off the record. A very clever way for the BLM to keep stubborn issues from surfacing. . . . When everybody made their inquiries, the BLM called upon the Court Reporter to record the rest of the hearing. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 4****Public Concern: The BLM should respond to requests for information.**

On the advice of Dick Crowe, I wrote a letter to this local Bureau of Land Management office asking why this route was closed and if it could be opened during the NECO planning process. I have yet to receive a reply. I asked why the route was closed. And I am not sure, but I believe I will never know why that route was closed because apparently it was closed without due process, the public was not notified or involved in it. The letter I wrote was to a Linda Hanson of this office. And she left this office, and my letter evidently fell through the cracks. I brought another copy of the letter just recently and I know that it has been passed around now to the officials so I hope I will get an answer to that soon. (Recreational Organization, Desert Hot Springs, CA – #C1)

**PC #: 5****Public Concern: The BLM should provide the public with access to the views of other agencies involved in NECO planning to encourage public participation.**

One such comment [lost because no court reporter was present] made by Donna Charpied shall be incorporated here. Mrs. Charpied asked Mr. Crowe why all the other agencies that the BLM alleges concur with the NECO Plan are not attending these hearings to field questions? And, where is the case file for the project located so the public can review what other agencies' comments are? Mr. Crowe actually said, "there have been meetings with other agencies, but nobody really took good notes." [[We do have an audio recording of this portion of the meeting]]. Mr. Crowe should have said something like, well the file is in Palm Springs (or Riverside, we really still don't know), and you could call that office to make an appointment to review it, to encourage public participation, not stifle it. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 6****Public Concern: The BLM should simultaneously provide all relevant planning information to facilitate meaningful public comment.**

Neither the NECO of the NEMO documents contain information as to which appendices to the California Desert Plan are being amended. While both documents contain references to various Congressionally passed legislation (Acts), policies, regulations and other source documents; and while referenced, none are provided. Thus the public did not have all of the information needed to provide informed input on these plans. With respect to route designation, multiple versions of the maps have been provided and it is not clear whether all persons received all versions. If not, the public receiving the first map may believe that all is well, when the last map proposes significant changes. Again the public is denied. Nowhere are the standards and criteria utilized in the decision making process, for any decision and in particular route designation criteria, identified as to how they were developed and who participated in the development. For this reason the public is left with no choice but to decry all decisions as arbitrary and capricious. (Recreational Organization, Modesto, CA – #C298)

Desert Tortoise Recovery Plan . The Small DWMA Alternative A, at page 2-2, refers to the Tortoise Recovery Plan, but does not describe the plan's contents or indicate how one might obtain a copy of the plan. Please provide this information. Also, please state how one can obtain a copy of the Standards for Public Land Health. (Recreational Organization, San Diego, CA – #C168)



**PC #: 7**

**Public Concern: The CDCA Plan Amendment should clarify Environmental Assessment protocols for utility operations.**

Will public review and an EA be required for all areas of the NECO planning area or just within those areas identified as Desert Tortoise habitat? How long will the public review and comment period and associated agency review period be? Will all ground disturbing maintenance activities on existing utilities require an EA and public review or is there an acreage disturbance threshold? (Oil/Pipeline Industry, Orange, CA – #C78)

**PC #: 8**

**Public Concern: The BLM should ensure that resource maps are available to the public early in the public involvement process.**

Often the maps necessary to make a complete review of the proposed closure areas are not made available to the public until close to the end of the comment period, which makes it impossible to provide valuable comments. (Individual, Sun City, CA – #C51)

**PC #: 9**

**Public Concern: The BLM should provide accurate maps and route closure information to encourage public participation.**

Many visitors who traditionally use the roads and trails in the area may not participate in the formal NEPA process, which is time consuming and confusing. We have also observed from past NEPA travel plan processes that this lack of participation has been due to the cumulative effect of confusing and poor documentation of the proposals, which included maps that did not have clearly defined characteristics, landmarks, trails, roads, routes and historical sites that would be removed from public use by the proposed plan. We are concerned that this lack of understanding will lead to resentment and poor support of the motorized closures by the public. . . . The maps used in the environmental document must be familiar and easily interpreted by the public. The public is most familiar with the Forest Visitors Map. The environmental document mapping must follow the guidelines required by 40 CFR 1502.8 which states that “Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision-makers and the public can readily understand them.” (Recreational Organization, Helena, MT – #296)

EIS Fails to Provide “User Friendly” Information. The maps contained in the Plan are difficult for the public to use. The underlying resource maps cannot be compared with the proposed boundaries of the management areas except with great difficulty. One is not able to overlay the management areas’ boundaries with the underlying resource maps. Nor were there overlays available to use with the larger scale maps available at the workshops. Yet, during the NECO planning process, BLM produced paper resource maps plus clear plastic overlays of early iterations of management areas for the use of Interest Group Committees. These overlays permitted one to compare the proposed boundaries with the underlying resources. The same type of overlays are needed for the general public now reviewing the Plan. A Plan/EIS is not adequate if it fails to inform the reviewer. BLM needs to prepare overlays with management areas, lands identified for disposal, etc., delineated so they can be compared with the underlying resource maps. These overlays and maps should be circulated in a new Draft EIS with a new comment period, so the public can actually see what is in and what is out of the proposed DWMA. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 10**

**Public Concern: The BLM should provide maps that are sufficient to allow site-specific analysis of every motorized route.**

The environmental document base maps must allow site-specific analysis. Site-specific questions will need to be discussed during the process. Site-specific analysis must be provided for every road and trail so that the benefits of keeping each motorized travel way is adequately addressed and accounted for in the decision. (Recreational Organization, Helena, MT – #C296)

**PC #: 11****Public Concern: The Final EIS should contain maps depicting all county roads in the NECO area.**

The "Routes of Travel" that are shown on the large Maps 2-31, 2-32, 2-33, 2-34, in the NECO Plan and Draft EIS may not show all of the existing roads and washes and the Maps should be revised (if they have not already been so changed) to reflect all of the County-designated roads. Mr. Randy Rister, the Secretary of the Imperial County Fish & Game Commission, should be contacted to insure that all the existing roads and washes have been fully identified and are depicted in the NECO Plan and the Final EIS maps. (Imperial County Planning Department, El Centro, CA – #C151)

**PC #: 12****Public Concern: The BLM should eliminate bias against motorized recreationists in the planning process.**

The NECO Plan/EIS draft you have developed is and unbelievably cumbersome and complicated document. I realize that an over-kill is considered necessary to close every last loop-hole to more legal action by the environmental extremists. However, I predict that you will not get much response from the average working person, who is also an OHV enthusiast. A thorough review of this plan could easily encompass a full credit college curriculum for an entire year. Not many OHV recreational land users will have the intestinal fortitude to plow through this document. As usual, most of your responders will probably be paid staff from environmental organizations. (Individual, Lakeside, CA – #C90)

The lack of defensible and logical reasoning is an indicator of bias. The environmental document evaluations and decision-making must work hard to avoid arbitrary and capricious reasoning based on science with a bias. The Interdisciplinary Team must develop and use an overall sense of magnitude when evaluating positive benefits to the natural environment versus negative impacts to the human environment. Too many evaluations and decisions have been based on opinions and theoretical or qualitative assessments. Personal prejudices against motorized recreationists have been woven into evaluations and decisions by allowing opinions and theoretical or qualitative assessments. The process must not allow the evaluations and decisions to be based on opinions and theoretical or qualitative assessments. The evaluations must develop scientific measures to assess all benefits and impacts and the decisions must be based on fair scientific measures. Fair scientific measures must be based on criterion that allows actions based on a level of relative change that is acceptable. To date, too many motorized closures have been enacted that produce relatively insignificant environmental improvement and relatively significant impacts to the human environment. (Recreational Organization, Helena, MT – #C296)

**PC #: 13****Public Concern: The BLM should ensure all interested parties have equitable roles in the planning process.**

Unfortunately, these people here don't have the resources that the Sierra Club and this center for biodiversity have and, therefore, I think that this is a case of inequality towards the taxpayers, that the Bureau of Land Management is basically showing favoritism on one side, and it should not do so. It should be for all members of the public. (Individual, No Address – #C2)

Millions of apathetic Americans need to be informed of what is happening to our environment and encouraged to get involved in our Environmental Management Planning. We must demand fairness and reasonableness. I believe the EE [Environmental Extremists] have infiltrated the U.S. Government Agencies and are illegally collaborating with the agencies to carry out their hidden agendas. I have called upon President Bush to have the Justice Department investigate the questionable activities of various agencies and court actions to get to the bottom of the injustices that are occurring in the USA. The NECO Planning is NOT about saving the desert tortoise. The NECO Planning is about closing public lands without arousing the American public. We, the people, and our Government, should be addressing human needs such as water, energy and power generation instead of working on plans which are counterproductive to human needs. (Individual, La Jolla, CA – #C150)



**PC #: 14****Public Concern: The BLM should address the perception that local concerns have been ignored in the planning process.**

There was little or no effort to inform the public that really uses the areas in question, in favor of “informing” a vested constituency that has a track record of being very narrow in its views of what constitutes good public lands policy; that is evidenced by the fact that meeting sites actually on or near the discussed areas were very poorly attended, while sites closer to the home base of that vested constituency were more successful in attracting participants- those with their own personal agendas. (Individual, Lake Havasu City, AZ – #C20)

When U.S. Government agencies are so manipulated and guided by high-powered environmental groups who use the ESA as a weapon to insure that fleas, bugs, worms, weeds, etc., and the now famous Short Nosed Sucker Fish, will take precedent over the American People, red flags should be going up everywhere. The incredible and unbelievable events that are taking place in the Klamath Basin today is just one, very sad, example of a system way out of whack and extremely out of control and in dire need of a major overhaul. What the BLM is about to do here in the Southern Calif. Desert, this time around, pales in comparison to what can happen. As the BLM continues installing “The Iron Curtain” between, our desert and we the people, there will be choices to be made. Those who live here and stop at stop signs, yield when necessary, slow down in school zones, will have the opportunity and possibility to become a desert criminal. Why is all this taking place? To satisfy a group of people that has never been here and never plans to be, has never seen a desert tortoise and has no idea as to its condition, but they will continue to slash with the ESA sword, because they can. (Individual, Blythe, CA – #C111)

Private citizens and communities, and especially those affected by conservation decisions, should have a greater stake and a more prominent role during this decision-making process. The BLM should provide for earlier and more meaningful opportunities for citizens to participate, more citizen involvement in recovery plans, and a more prominent role in the consultation process, not last minute meetings like this when you’re uninformed and lucky if you heard about it. (Individual, No Address – #C4)

**PC #: 15****Public Concern: The BLM should cooperate with local citizens to integrate local knowledge into the planning process.**

Wouldn’t it be beneficial to the BLM instead of alienating the people who know and love the desert, to incorporate some of their experience and expertise to improve the relationship between man and the desert? This is not to say that everyone would be lining up to volunteer his or her help. You haven’t made many friends around here. For others there could be some common ground. Especially if some type of cooperation could end up having an influence on future, or even past desert decisions. The amount of information that could be gathered and compiled is considerable. It would have to be a step forward in the quest to discover what is truly happening in the desert today. (Individual, Blythe, CA – #C111)

**PC #: 16****Public Concern: The BLM should involve citizens in the consultation process to ensure private property concerns are addressed.**

I think perhaps I don’t fully understand what you’re suggesting about the private land not being affected by BLM, but I know they’ll be affected by Fish and Wildlife, and I do have concerns about that. So I would suggest that maybe you have more ordinary people come with you in the beginning to maybe get parts of those things ironed out even before it becomes public, like some of the folks here suggested. (Individual, No Address – #C171)

**PC #: 17****Public Concern: The BLM should use effective outreach methods for informing motorized users about the proposed Travel Plan.**

Many people have expressed a general lack of trust of the NEPA Travel Plan process. They feel that the travel plan decisions are pre-determined and that it is pointless to participate in the process. The process must adequately meet public involvement requirements with respect to motorized visitors. The process must include methods of public involvement that effectively reach motorized visitors and methods to account for the needs of citizens who may not participate for diverse reasons. Some public involvement methods that would be effective include; (1) the use of trail



rangers (who are motorized enthusiasts) to count and interview visitors using the travel ways and distribute travel plan materials to them, (2) publication in the newsletters of motorized association, (3) attendance at motorized club meetings, (4) posting of information packets at motorized trail head areas, and (5) mailings to OHV enthusiasts and owners. To date, the public involvement process has not adequately communicated with motorized visitors and has not provided effective and full public disclosure about the closure actions. . . . Under NEPA, decision-makers have a responsibility to seek out, determine, and make decisions that address the needs of all of the public and not just those that submit comments. (Recreational Organization, Helena, MT – #C296)

## National Environmental Policy Act Process

### PC #: 18

#### **Public Concern: The BLM should comply with NEPA regulations to ensure that public comments are not considered as votes during the planning process.**

We are concerned with the way that public comments are being used by agencies in the decision-making process. We have been told by agency personnel that the total number of public comments received during the process is considered during the decision-making. There is a clear indication that decisions are being made based on those interests producing the most comments. We strongly disagree with a decision-making process using public comments as a voting process where the most comments wins the most trails and recreation opportunities. This procedure is flawed for the following reasons: The intent of National Environmental Policy Act (NEPA) when seeking public comments during scoping and document comment processes is to solicit public input in order to assure that significant issues were brought forward and considered. This intent is stated in NEPA Section 1501.7 as "There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." And in NEPA Section 1503.1 as "(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected." Clearly, comments under NEPA were intended to bring issues and concerns to the attention of the team preparing the environmental document and decision-makers. NEPA does not suggest, in any way, that public comments were to be used as a voting process to indicate support of alternatives. Unfortunately, agencies have considered the comment process as a voting process to gauge public opinion and have not recognized their responsibility to adequately address the needs of all of the public. (Recreational Organization, Helena, MT – #C296)

### PC #: 19

#### **Public Concern: The BLM should investigate and report any misuse of public comments being used as votes in forming decisions regarding the Travel Plan.**

We ask that the incorrect consideration of public comments as "votes" for all past and ongoing travel plan proposals be investigated in this document. We ask that public comments not be used as a voting process and that all of the needs of the public be adequately addressed in the document and decision-making. (Recreational Organization, Helena, MT – #C296)

### PC #: 20

#### **Public Concern: The BLM should include motorized recreation planners on the Interdisciplinary Team to ensure a balanced perspective on the Travel Plan.**

The interdisciplinary team (IDT) must include motorized recreation planners and enthusiasts in order to adequately speak for the needs of multiple-use and motorized visitors. Management decisions should be based on input from a management team that is representative of the public and the public's needs. This is especially necessary to provide a balanced perspective on the travel plan team and when consulting and coordinating with other agencies. A multiple-use and motorized recreationists advisory board could also be used to advise the IDT and decision-makers. (Recreational Organization, Helena, MT – #C296)

Many of my constituents from the off-highway and environmental communities are concerned about the preservation of wilderness, sensitive and endangered species and other desert resources. To achieve balance, the plans should ensure that the natural environment of the California desert is protected, while accounting for the allowance of motorized recreation in appropriate areas. I remain committed to working with the Off-Highway Vehicle Stakeholder Roundtable to address the concerns of all interested parties, including off-road vehicle users



and conservationists. I encourage the BLM to work with each of these groups in an effort to address their concerns. I would also like to meet with you at some point in the future to better understand the complexities of this situation and learn how I may assist in furthering cooperative discussions between environmental and off-highway recreation interests who are involved in this matter. (Juan Vargas, California State Assembly Member, Chula Vista, CA – #C9)

**PC #: 21****Public Concern: The BLM should evaluate how nationally funded environmental groups have influenced the NEPA process regarding motorized recreation.**

During year 2000 one national foundation, Turner, has provided \$3,337,000 in funding to 44 organizations that are active in our area ([www.turnerfoundation.org/turner/forest.html](http://www.turnerfoundation.org/turner/forest.html)). Other national foundations including Bullitt and Pew also contribute to these same organizations. The level of funding provided to non-motorized organizations from national foundations is thousands of times greater than that available to local organizations representing motorized recreationists. The document and decision-makers must evaluate the significant impact national foundation funding has on motorized recreationists, including how funding impacts the NEPA process, impacts the decision-making, and supports significant legal challenges to nearly every decision made. In addition, the document and decision-makers must evaluate the significant cumulative impact national foundation funding has had on all past actions involving motorized recreation. (Recreational Organization, Helena, MT – #C296)

And I and many other members of the public have a perception and it may be true — I would like someone to convince me it's not — that undue influence is being exerted upon the politicians and thereby filtering down to the local BLM offices, undue influence by the Sierra Club and various environmentalists that have a bigger war chest than the fragmented public at large and, therefore, they are the ones that are dictating what is happening to our access in the desert. (Individual, No Address – #C2)

**PC #: 22****Public Concern: The BLM should use an independent scientific panel for objective assessments.**

The regional Standards for Public Land Health recommended by the California Desert District Advisory Council are vague. Words like “appropriate” or “suitable” beg the question. In the end much comes down to suites of numbers, and, to some extent anyway, somebody must specify what numbers they are to be. If an objective scientist can't look back some years from now and decide whether BLM did or did not measure and respond to the results of measuring, the specifications may not be adequate. We believe it crucial that a science panel continue to be involved. It is imperative to have an independent science panel. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**PC #: 23****Public Concern: The BLM should establish a Multiple-Use Review Board to assure that the Final EIS reflects multiple-use management goals and the needs of the public.**

Motorized recreationists are concerned that a reasonable alternative will not be adequately addressed in the environmental document and decision-making. To prevent this from happening, we request a Multiple-Use Review Board be established to assure that the decision-making reflects the multiple-use management goals and the needs of the public. We request that a Multiple-Use Review Board look into all past travel management decisions in our public lands to determine whether all decisions have adequately considered the needs of multiple-use and motorized recreationists. Where decisions have not adequately considered the needs of multiple-use and motorized recreationists, we request that the reasons be identified and that corrective actions be taken. (Recreational Organization, Helena, MT – #C296)

**PC #: 24****Public Concern: The BLM should establish an interagency group to review projects undertaken by cooperators and volunteer groups.**

The BLM should bring together a technical/scientific group made up of staff from the Cooperating Agencies that meets quarterly to review progress made on monitoring, inventorying, enhancement, and research tasks undertaken

by the various cooperators and volunteer groups. Furthermore, it should be the task of the technical group to make recommendations annually to the Plan Cooperators for future work and it should be the task of the Plan Cooperators to help prioritize this work and assist in the identification of the funding sources for implementation. (California State Department of Fish and Game, Bishop, CA – #C96)

**PC #: 25****Public Concern: The BLM should include the California State Department of Department of Fish and Game in the decision-making process.**

As a signatory to the Plan it is assumed that [the California State Department of Fish and Game] will be included in the decision-making process. (California State Department of Fish & Game, Bishop, CA – #C96)

**PC #: 26****Public Concern: The BLM should meet its consultation requirements with the Quechan Tribe.**

We respectfully request that the BLM meet its consultation requirements and arrange meaningful consultation with the Quechan Tribal Council and its Culture Committee on these issues with a goal of meeting the Tribe's concerns, satisfying Section 106 project requirements, meeting BLM's Section 110 requirements and using this opportunity to enhance BLM's cultural stewardship program. (Counsel to the Quechan Tribe, La Jolla, CA – #C89)

## **Documentation, Analysis, and Monitoring**

**PC #: 27****Public Concern: The BLM should proceed with the proposed CDCA Plan Amendment.**

I really like what the team has come up with. For the most part the plan provides plenty of opportunities for vehicular access and recreation while protecting the environment as well. I believe that providing a good diversity of access routes will help prevent 'route proliferation', where people take it upon themselves to create new trails across the desert. Thanks again for recognizing everyone's needs, and for including us in the planning process. I would very much like to continue to take part in this program, so please include me in all future reports and map mailings. (Individual, Tustin, CA – #C45)

We appreciate many aspects of the proposed management plan, including the new guidelines for off-road vehicle management and grazing, and the emphasis on species recovery. Taken together, the directions in this plan represents a substantial positive improvement over current management within the region. (Preservation/Conservation Organization, Davis, CA – #C81)

**PC #: 28****Public Concern: The Final EIS should clearly articulate the BLM's intentions and expected outcomes for the proposed amendment.**

The NECO plan is hardly one that is easily discernible. The Draft Environmental Impact Statement is a bit overwhelming and hard to figure out. I am unsure as to the actual intentions of the Bureau of Land Management. It seems that the environmental groups involved expect complete closure of the 5.5 million acres in question, however the Draft EIS and the statements made by BLM representatives leave many community members, including myself, unsure of where this plan is actually heading. . . . In closing, I am going to ask your agency to please look at all aspects and impacts of such a drastic plan and to explain in a straight forward approach, if you will, the true intentions of the BLM. I only hope that if/when the NECO plan is implemented it won't have serious consequences on the communities involved and that the future does not hold more limitations on the community that prides itself on being the "City of Outdoors." (Individual, Blythe, CA – #C147)



**PC #: 29****Public Concern: The BLM should base the Final EIS upon the best available science.**

I do not think the plan has been based in proven scientific nor biological facts. No current population studies support the maps in this plan. There are 30-year old desert tortoise population studies that they are basing closing areas on. This appears to be a knee-jerk reaction to repopulating the desert tortoise population in a misguided environmental movement. (Individual, No Address – #C180)

**PC #: 30****Public Concern: The BLM should recirculate a revised Draft EIS that provides adequate environmental impact analysis, and complies with relevant statutory requirements.**

The proposed Draft EIS for the California Desert Conservation Area (CDCA) Plan Amendments for the Northern and Colorado Desert is deficient. It fails to conform to the requirements of the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), the Administrative Procedures Act (APA) and the California Desert Conservation Act Plan (CDCA). Specifically: the Preferred Alternative is based on conclusionary assumptions that are not supported by sufficient analysis, evidence in the record or sound science. The alternatives discussed do not include any that consistently implement the CDCA and FLPMA requirements for multiple use and sustained yield. The EIS is a rationalization for a predetermined plan rather than an objective analysis. The selection of issues from the scoping comments to be included or excluded from discussion is arbitrary and capricious. The structure and analysis of the EIS is confusing, internally inconsistent and fails to provide adequate information for meaningful public comment. The analysis of cumulative impacts fails to adequately address the adjacent Regional plans; WEMO and NEMO, known projects in the area such as the Fort Irwin expansion and CDCA wide management plans and policies. The EIS is invalid to the extent that it relies on the goals of the Recovery Plan for the Desert Tortoise without independent and objective analysis. . . . Based on the inadequate analysis of the cumulative impacts of the numerous regional planning efforts and policy decisions on activities in the desert, this EIS should be revised and recirculated. (Kern County Planning Department, Bakersfield, CA – #C79)

The EIS is defective and inadequate as a matter of law. NEPA requires that the conclusions drawn in the EIS be supported by scientific/technical evidence; but the NECO EIS includes almost no scientific/technical data at all. NEPA requires that the EIS disclose and evaluate the impacts of the proposed project; but the NECO EIS fails to identify key impacts and poorly analyzes those impacts it does identify. NEPA requires that the EIS develop and discuss a range of alternatives that will achieve the project objectives while avoiding or reducing project impacts; but the NECO EIS includes a very narrow range of alternatives, and none of the alternatives avoids or seeks to minimize impacts on OHV recreation, even though such alternatives can easily be imagined and implemented. Finally, NEPA requires that the EIS discuss mitigation measures which, if implemented, would avoid or reduce impacts while still allowing the agency (BLM) to achieve its project objectives; but the NECO EIS includes no mitigation measures designed to blunt the project's impacts on OHV recreation, even though such mitigation measures are available and deserve consideration. Ultimately, the debate over the NECO EIS is not whether it is based on good science or bad science, but whether it is based on any science at all. It is SDORC's [San Diego Off-Road Coalition] and ORBA's [Off-Road Business Association] position that the assumptions and conclusions of the EIS are devoid of technical support, and rest solely on conjecture and unreliable "anecdotal" evidence from BLM staff — neither of which constitutes satisfactory evidence under NEPA. As a result, the EIS must be redone and recirculated. (Recreational Organization, San Diego, CA – #168)

**PC #: 31****Public Concern: The CDCA Plan Amendment should incorporate the recommendations of the Science Panel Report and include the guidelines used for designing management goals.**

The Science Panel Report, Appendix 1, suggested many scientific improvements to the development of the NECO Plan. Many of the panel recommendations are not found in the NECO Plan. The point maps to assist in the development of the real migration activity and assess migration processes as well as the requested overlay patterns of development would have provided insight that would have been helpful to assess fragmenting activities. This is



something the District is very interested in assessing. We also feel that the ecosystem processes are still missing as well as conservation principles that were used to guide selection and the design of management goals. Was an adaptive management strategy developed to provide flexibility to the NECO Plan? Was information used to develop the design of management goals published in a peer-reviewed format? (Imperial Irrigation District, Imperial, CA – #C80)

**PC #: 32****Public Concern: The Final EIS should identify the standards and criteria used to make plan amendment decisions.**

Nowhere are the standards and criteria utilized in the decision making process, for any decision and in particular route designation criteria, identified as to how they were developed and who participated in that development. For this reason the public is left with no choice but to decry all decisions as arbitrary and capricious. (Recreational Organization, No Address – #C84)

**PC #: 33****Public Concern: The Final EIS should specify observable criteria as a basis for assessing the indicators cited in the preferred alternative.**

Preferred Alternative, p. 2-8 to 10. At least 11 “indicators” cited are not observable indicators and must rest on other observable criteria or be measured. These are: Soils, items 4, 5 and 6; Native Species, items 2 and 5; Riparian/Wetland and Stream Function, items 3, 4, and 8; Water Quality, items 1, 2, and 3. Measurements of these items requires a multi-disciplinary staff and laboratory facilities. Are these available so that the public can assess whether these measurements will actually be done? All items in which the indicators are qualified by “appropriate”, “suitable”, “sufficient”, “acceptable”, “adequate”, and “minimal” require a standard or baseline information for comparison, which are not specified. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 34****Public Concern: The Final EIS should provide data supporting the BLM's identification of potential causes of resource decline.**

Causal Factors. According to the EIS, where public land health assessments “indicate that resource management objectives are not being met, a determination will be made as to the causal factors.” (p.2-3). This is a good policy, but one not applied in the EIS. Throughout its discussion of current resource conditions, the EIS identifies potential causes of resource declines, but does so with little or no supporting data. Worse, there is no effort in the EIS to draw causal links between (a) resource management goals, (b) impediments to those goals, and (3) the proposed restrictions on public access and use. (Recreational Organization, San Diego, CA – #C168)

**PC #: 35****Public Concern: The BLM should conduct a cumulative impact analysis of other projects on the NECO planning area.**

There are a number of projects that are currently being planned and environmentally reviewed by BLM within the NECO Plan and Draft EIS planning area that are not cumulatively assessed nor identified within the proposed Plan and Draft EIS. Specifically, the BLM El Centro Field Office has circulated for public comment an “Environmental Assessment (EA)” for a proposed natural gas pipeline traversing through the NECO planning area that is not mentioned in the Draft EIS. (Imperial County Planning Department, El Centro, CA – #C151)

Nowhere in either document are there explanations of the compounding of changes to the California Desert Plan. Nowhere is there a table which identifies the cumulative changes to the CDCA Plan. Each document responds to the recommended changes in its printing as if the changes proposed in the NEMO or the NECO plans, individually, were the only changes occurring to the California Desert Plan. Both plans are illustrative of what happens when planning for the California Desert is done piece meal. This is why FLPMA required that “a” plan for the California Desert Conservation Area be done. Nowhere are the cumulative changes presented with respect to access. Neither document provides a listing or mapping of those roads in existence on October 21, 1976. Both documents include discussions of actions to occur after the plan is adopted and are misleading in as much as the public is not told that



the final standards, guidelines, policies, etc., will be applied and therefore control the delayed action. The implications are thus not totally revealed to the public. (Recreational Organization, No Address – #C84)

**PC #: 36**

**Public Concern: The BLM should coordinate NECO planning and implementation with related plans to ensure consistency.**

Having tried to review both the NEMO and NECO documents, we have found it is an impossible task. One document provides a glossary and the other does not. Are both documents utilizing the same definitions of terms? Nowhere that we could find was there an explanation given. Nowhere in either document is it explained what the changes to the California Desert Plan are. Nowhere is there a table which identifies the cumulative changes to the CDCA Plan. (Recreational Organization, Ridgecrest, CA – #C85)

Sierra Club repeatedly requested information on adjacent Plans, such as the West Mojave Plan. But BLM repeatedly has refused to provide it. The NECO Plan does not exist in a vacuum. Tortoise, other sensitive wildlife and plants do not respect BLM planning boundaries. What happens in one plan will affect another adjacent plan. The NECO Plan should provide mapping and at least summary information on areas in other Plans adjacent to the NECO Plan borders, so the reviewers can assess the viability of the protections afforded by the proposed alternatives in the NECO Plan. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 37**

**Public Concern: The BLM should evaluate the Preferred Alternative's impacts on existing land-use plans to ensure consistency with objectives of regional, state, and local land-use plans.**

Failure to Discuss Potential Conflicts with Regional, Local and State Land Use Plans (40 CFR sec. 1502.16(c).) Under NEPA and FLPMA, the EIS must evaluate the Preferred Alternative's impacts on existing land use plans, including those of the surrounding cities and counties. However, the EIS provides no such analysis, even though the Preferred Alternative may be inconsistent with key policies and objectives of state, regional, and local land use plans. (Recreational Organization, San Diego, CA – #C168)

**PC #: 38**

**Public Concern: The BLM should integrate NEMO, NECO, and WEMO planning documents into one California Desert Conservation Area Plan Revision.**

Why is planning for the California desert being divided up by areas, when FLPMA required that "a" plan for the California Desert Conservation Area is done. (Recreational Organization, Ridgecrest, CA – #C85)

These documents (NEMO and NECO) should be held and merged with the West Mojave Plan when it is finished. The three should be blended and worked into a single document which becomes the new California Desert Plan. This should be done with full participation of an informed public. A new CDCA plan will be the result of these two documents plus the WEMO, except the CDCA plan will have been done bit by bit in violation of FLPMA. These are not a single plan amendment. There are multiple plan amendments in each document, each affecting the CDCA plan or its appendices in many, many ways. (Recreational Organization, Modesto, CA – #C298)

**PC #: 39**

**Public Concern: The BLM should update the Final EIS to reflect the National Park Service's general management plans for Death Valley National Park and Mojave National Preserve.**

We request that the NECO be updated to reflect management direction and activities pursuant to the NPS's general management plans for Death Valley National Park and Mojave National Preserve. Revised draft EIS/GMP's were released in September 2000 for public review, and provided to your offices. Eleven public meetings were held, and BLM staff were provided additional relevant information during this time. Abbreviated Final EIS's were released on June 22, 2001, and copies were again provided to BLM. The Record of Decision (ROD) for Death Valley NP has been approved, and the Mojave NP ROD is pending approval at this time. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 40****Public Concern: The Final EIS should incorporate all CDCA lawsuit settlement conservation measures.**

We urge BLM to incorporate and expand upon all CDCA lawsuit settlement agreements affecting the NECO area. These are measures BLM has already agreed to and is implementing. It is unacceptable to abandon them now. (Preservation/Conservation Organization, Tucson, AZ – #C86)

**PC #: 41****Public Concern: The BLM should coordinate NECO planning with the California Department of Fish and Game.**

Since the NECO Plan is not a combined Environmental Impact Statement/Environmental Impact Report (EIS/EIR), will the California Department of Fish and Game (CDFG) release a separate California Environmental Quality Act (CEQA) document? Without CEQA compliance, it is our understanding that the CDFG may not be in concurrence on compensation mitigation for species included in the NECO Plan or with the NECO Plan itself. (Imperial Irrigation District, Imperial, CA – #C80)

**PC #: 42****Public Concern: The BLM should ensure that it has the funding and resources to meet multiple-use mandates while protecting the environment.**

We appreciate that the interaction between science and government can be expensive but necessary. The funding and human resources required to do the job should be made available. If unfunded mandates are a problem, and we see they are, then we support and urge the government to supply the funding to accomplish the mandate to respond to the multiple use requirements while protecting the environment people are using. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**PC #: 43****Public Concern: The CDCA Plan Amendment should clearly identify monitoring objectives and future actions for correcting plan implementation.**

We believe that monitoring effects should be prioritized and displayed in the Final EIS and Plan. High priority should be placed on continued tortoise populations, including historic plots plus line sampling methods. The estimated cost of each proposed implementation should be determined and displayed in the Final EIS and Plan. Implementation measures should likewise be prioritized and displayed. The Plan should identify contingency measures to address conditions where funds are not available for full implementation. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)

The plan's actions and the monitoring plan in particular need to contain more quantifiable goals. The monitoring plan in particular needs to be expanded by setting quantifiable, testable goals or thresholds, which, if reached (or not reached) within a stated amount of time, will automatically call for implementation of measures that will more effectively deal with the factors causing the undesirable condition. For example, if certain sizes and characteristics of desert tortoise populations are not reached, further measures should automatically be implemented to bring about population recovery to a healthy level. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 44****Public Concern: The BLM should address the availability of funds to provide effective monitoring.**

The Plan should identify the estimated costs of the monitoring program. We also believe that the BLM should address the ability to implement an extensive program in light of shrinking budgets. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)



**PC #: 45****Public Concern: The BLM should clearly articulate the goals of the CDCA Plan Amendment and ensure it is consistently implemented in the future.**

There's no question about the fact that this can have an impact depending on how it's interpreted and enforced in the future. Right now we know these gentlemen and we have no question at all about their integrity and their ability to decide the issues based upon facts. But over the years we have all seen changes in management, even in the BLM, and the philosophies seem to change sometimes when the management changes. It's based upon individual interpretation. So what we want, in the standpoint of the public, is a plan which reflects the actual — what the goals are going to be achieved and just say how they will get achieved. Give an example. (Recreational Organization, No Address – #C57)

**Statutory Authority****PC #: 46****Public Concern: The BLM should prepare a new Draft EIS in compliance with federal regulations.**

We officially go on record demanding that a new Draft EIS be prepared and recirculated due to its woeful inadequacy and violations, including but not limited to, the Federal Code of Regulations (Council on Environmental Quality), National Environmental Protection Act, Clean Air Act, and the Endangered Species Act. Below are some of the regs currently being violated: 40 CFR 1502.2(g): "Environmental Impact Statements shall serve as a means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made." 40 CFR 1500.2 Policy (d): "encourage and facilitate public involvement in decisions which effect the quality of the human environment." 40 CFR 1508.25: Scope, states in part, "... consists of the range of actions, and impacts to be considered in an environmental impact statement ... To determine the scope ... agencies shall consider ... – Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement ... – Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement ... ." 40 CFR 1500.2 (c): "Integrate the requirements of National Environmental Protection Act with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively." (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 47****Public Concern: The BLM should initiate one amendment for all California Desert Conservation Area planning units.**

These documents (NEMO and NECO) should be held and merged with the West Mojave Plan when it is finished. The three should be blended and worked into a single document which becomes the new California Desert Plan. This should be done with full participation of an informed public. A new CDCA plan will be the result of these two documents plus the WEMO, except the CDCA plan will have been done bit by bit in violation of the Federal Land Policy and Management Act. These are not a single plan amendment. There are multiple plan amendments in each document, each effecting the CDCA plan or its appendices in many, many ways. Neither the NECO or the NEMO documents contain information as to which appendices to the California Desert Plan are being amended. While both documents contain references to various Congressionally passed legislation (Acts), Policies, regulations and other source documents, and while referenced, none are provided. Thus the public did not have all of the information needed to provide informed input on these plans. (Recreational Organization, No Address, – #C84)

Nowhere in either document are there explanations of the compounding of changes to the California Desert Plan. No where is there a table which identifies the cumulative changes to the CDCA Plan. Each document responds to the recommended changes in its printing as if the changes proposed in the NEMO or the NECO plans, individually, were the only changes occurring to the California Desert Plan. Both plans are illustrative of what happens when planning for the California Desert is done piece meal. This is why the Federal Land Policy and Management Act required that "a" plan for the CDCA be done. (Recreational Organization, No Address, – #C298)



**PC #: 48**

**Public Concern: The BLM should verify that the ongoing planning process is in accordance with the Federal Land Policy and Management Act.**

The passage of the Federal Land Policy and Management Act (FLPMA) was an important step into the future management of the California Desert. It provided protections to the public, private property owners, local governments, utilities, special districts, family recreational interests of all types, certain wildlife and others. The ongoing planning activities of WEMO, NECO, & NEMO, all violate the very concepts of FLPMA. (Recreational Organization, Ridgecrest, CA – #C85)

**PC #: 49**

**Public Concern: The BLM should examine proposed route closures for compliance with RS2477.**

Most of the motorized trails have served as important public access routes since the turn of the century. This significance is clearly demonstrated by the number of historic mines and structures that are located along these routes. We have observed that these travel ways are currently significant recreation resources for motorized visitors in the area including ATV, motorcycle, and four-wheel drive enthusiasts. Many of these travel ways have right-of-ways as provided for under the provisions of Revised Statute 2477. These roads are shown on many older mapping sources including: aerial photographs, 15-minute U.S. Geological Survey quadrangle sheets, and older county maps. The cut and fill sections and obvious roadbed indicate that these roads were constructed and used by the public for access to the forest. RS 2477 was created to provide adequate public access to our public lands. Now this public access is being eliminated. These travel ways must remain open based on: (1) their history of public access, (2) the access that they provide to interesting historical sites, and (3) their significance to public access. The document must evaluate all of the issues surrounding RS 2477 including the cumulative impact of all past closures of RS 2477 routes. (Recreational Organization, Helena, MT – #C296)

**PC #: 50**

**Public Concern: The BLM should review proposed route closures for accordance with multiple-use management directions.**

Multiple-use management goals are the only goals that will “best meet the needs” of the public and provide for equal program delivery to all citizens including motorized visitors. All of us have a responsibility to accept and promote diversity of recreation on our public lands. Diversity of recreation opportunities can only be accomplished through management for multiple-uses and reasonable coexistence among visitors. The significant closing of roads and motorized trails in the project area is not consistent with meeting the needs of the public and the goals of Multiple-Use Management as directed under Federal Land Policy and Management Act of 1976, Multiple Use Sustained Yield Act of 1960 and P.L. 88-657. The proposed travel plan combined with the cumulative effects of other proposed and enacted federal land management policies have resulted in a significant reduction of multiple-use and OHV recreation opportunities. We request further evaluation of compliance with multiple-use policies and laws and that the decision support these policies and laws. (Recreational Organization, Helena, MT – #C296)

**PC #: 51**

**Public Concern: The BLM should suspend the proposal to construct guzzlers in wilderness areas until the agency completes a project-specific NEPA analysis.**

Based on the insufficient justification, the missing impact analysis, and the potential for various environmental harm, we believe that the proposal to construct 24 guzzlers within desert wilderness areas is in violation of the National Environmental Policy Act, and should be abandoned until such time as a complete presentation of the need and effects can be made. (Preservation/Conservation Organization, Davis, CA – #C81)



**PC #: 52**

**Public Concern: The BLM should address how the CDCA Plan Amendment will incorporate potentially conflicting mandates among agencies involved in planning.**

We see the sense of coordinating planning amongst the agencies and agree that factors like predicted use of contiguous land are important to consider. We do have some concern about the different mandates of the agencies and compatibility of purpose. For instance, managing for game is different in some cases from managing for wildlife other than hunting. This might change the nuances of the plans for the involved agencies. We believe managing for land health is not necessarily the same as managing for land use. (Preservation/Conservation Organization, Ridgecrest, CA – #M67)

## **Consideration of Alternatives**

**PC #: 53**

**Public Concern: The BLM should select the No Action Alternative.**

I strongly recommend adoption of Alternative 1 – No Action – Current Management of the Draft Plan. (Individual, Twentynine Palms, CA – #C31)

I urge the BLM to select the No Action Alternative or put this plan On Hold. The American citizens are not aware of this planning activity and they deserve to know and to be heard. This should be obvious to the BLM from the quantity of attendees you are experiencing, which is pathetic! (Individual, La Jolla, Ca – #C150)

I'm very much opposed to any more intervention in the desert. I do not wish to see any more standards introduced in desert management. Of the possibilities the BLM is suggesting right now, the only one that I'm remotely in favor of is the No Action Alternative. (Individual, No Address – #C170)

**PC #: 54**

**Public Concern: The BLM should implement Alternative 2.**

After careful review of your Environmental Impact Statement on the Northern and Eastern Colorado Desert Coordinated Management Plan, we have come to the conclusion that the Preferred/Large Desert Wildlife Management Area Alternative is the most appropriate plan of action. (Individual, North Adams, MA – #C130)

I would like to see this area retain its ecological integrity, as not only is it a remarkable area but is also relatively biologically intact. As such, I support much of what is laid out as the Preferred Alternative. (Individual, Davis, CA – #C135)

**PC #: 55**

**Public Concern: The Final EIS should not include additional land use restrictions within the Preferred Alternative.**

Please enter onto the record my dissatisfaction that a group of environmental extremists are trying to add more restrictions to the plan 2 (preferred) plan. Please do not add any more restrictions. (Individual, Simi Valley, CA – #C73)

**PC #: 56**

**Public Concern: The BLM should draft and implement an alternative that includes all provisions of the Desert Tortoise Recovery Plan.**

The NECO Plan proposes four alternatives. Two of the alternatives, the "Small Desert Wildlife Management Area A" and "Small Desert Wildlife Management Area B" Alternatives, propose such a drastic reduction in the area of designated critical habitat that we see them as potentially detrimental to the desert tortoise and fall short of the "reasonable and prudent" standard. The BLM's preferred alternative, so-called "Large Desert Wildlife Management Area" Alternative, also significantly reduces the acreage of critical habitat compared to the fourth "No Action" alternative. We fear that none of these alternatives will achieve the goal of recovering the tortoise. We consider the absence of an alternative that implements the recommendations of the Recovery Plan or explanation as to why such

a Recovery Plan Alternative was not analyzed to be a glaring and major shortfall in a plan with the ostensible goal of recovering the desert tortoise. (Preservation/Conservation Organization, Riverside, CA – #C88)

BLM must develop and consider an alternative that incorporates all of the recommendations of the Recovery Plan in order to comply with National Environmental Policy Act. For the reasons described above, Defenders requests that BLM revise the Draft NECO Plan to include such an alternative as the preferred alternative.

(Preservation/Conservation Organization, Washington, DC – #C92)

**PC #: 57****Public Concern: The Final EIS should include an alternative drafted with ecosystem preservation as the guiding principle.**

We note that none of the alternatives incorporates the degree of ecosystem protection we would like to see and that the sum of maximum protection from all the alternatives would comprise. Even given the multiple use mandate, we wish that one of the alternatives gave fuller protection both in degree and size. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

Though some citizens may oppose additional restrictions to “business as usual,” the No Action Alternative, we point out that the land in question belongs to all Americans. We know the multiple use mandate requires consideration of various potential uses, but we speak for our many members all over California and Nevada when we urge the strongest protection for ecological and other natural resources. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**PC #: 58****Public Concern: The Final EIS should include a preferred alternative that preserves multiple-use principles including motorized recreation.**

Instead of a process to eliminate motorized access and recreation opportunities, the process should be directed to meet the need for multiple-use, motorized access and motorized recreation on our public lands. The National Environmental Protection Act requires that agencies “Rigorously explore and objectively evaluate all reasonable alternatives” [40 CFR 1502.14(a)]. We ask that you develop a preferred alternative formulated around preserving and enhancing multiple-use interests and motorized recreation. (Recreational Organization, Helena, MT – #C296)

**PC #: 59****Public Concern: The Final EIS should include a clear statement of the BLM’s project objectives and a wider range of alternatives.**

Failure to Discuss An Adequate Range of Alternatives . The National Environmental Protection Act demands that federal agencies, when preparing an EIS, analyze and consider a reasonable range of alternatives to the proposed action. Such alternatives are supposed to avoid or significantly reduce the proposed project’s impacts, while allowing the agency to meet its project objectives. The NECO EIS fails to meet these basic requirements. First, the document does not clearly articulate BLM’s project objectives, so it is virtually impossible to discern whether the proposed project or any potential alternative will meet those objectives. Second, assuming that the project objectives generally relate to improving the survival and reproductive rates of sensitive wildlife species – e.g., the desert tortoise – the document fails to compare various alternatives for their potential benefits to such species. Third, the document fails to consider alternatives that deviate from the basic “route closure” approach. That is, each of the alternatives discussed in the EIS (except the No Action Alternative) calls for the elimination of OHV routes and play areas. The only difference between the alternatives is the number of routes and play areas to be closed under each option. Missing from the EIS are alternatives that improve species viability without affecting OHV routes and play areas. For example, the EIS should have developed and considered alternatives which were directed at the primary causes of desert tortoise mortality and reproductive stress – namely disease, raven predation, and road kill from on-highway vehicles – while leaving the existing OHV routes and play areas undiminished. This was not done, although such an alternative is viable and easily could have been incorporated into the EIS. In short, the alternatives discussed in the EIS are mere variations on the same theme and do not provide a sufficient range of options. (Recreational Organization, San Diego, CA – #C168)



**PC #: 60****Public Concern: The Final EIS should include an education alternative designed to reduce and mitigate motorized recreation impacts.**

An alternative to motorized closures exists that would be more productive for the entire public. This alternative would center on the use of education to address and eliminate issues with motorized recreationists by encouraging the practice of principles such as those found in the Tread Lightly program and Blue Ribbon Coalition Recreation Code of Ethics. This alternative would also use education to address and eliminate issues with non-motorized recreationists by promoting proper expectations, tolerance of others, and sharing of our land resource. To date, this alternative has not been considered, evaluated or implemented. First, an education alternative must be fairly evaluated as part of this proposed action. The National Environmental Protection Act requires that agencies "Rigorously explore and objectively evaluate all reasonable alternatives . . ." Secondly, the cumulative impact on motorized recreationists of not evaluating and using an education alternative in all past actions involving motorized recreational opportunities must be evaluated and addressed. (Recreational Organization, Helena, MT – #C296)

**PC #: 61****Public Concern: The Final EIS should include a Travel Plan Alternative that supports motorized recreation.**

The Travel Plan environmental document must be an issue driven document as required under the National Environmental Protection Act and the Council on Environmental Quality guidelines. The driving issue is the development of a reasonable travel plan alternative that addresses the needs of the public. The National Environmental Protection Act requires that all reasonable alternatives be evaluated. We request that the environmental document include a Travel Plan Alternative that is representative of the public's multiple-use needs. A reasonable alternative would incorporate all existing motorized roads and trails and restrict motorized travel to those travel ways. A reasonable Travel Plan Alternative must provide a continuous system of roads and trails on which off-highway vehicles can be legally ridden. A reasonable Travel Plan Alternative is needed in order to avoid contributing to the significant cumulative impacts that motorized recreationists have experienced. In order to avoid contributing to further cumulative impacts we request that an alternative based on incorporating all existing motorized roads and trails and restricting motorized travel to those travel ways be included in the environmental document. (Recreational Organization, Helena, MT – #C296)

**PC #: 62****Public Concern: The Final EIS should include a section listing alternatives that were considered but eliminated from further consideration.**

The development of alternatives for this Draft EIS reflects BLM's efforts to seek a "synthesis of mandates and interests" among agencies with different missions, and more generally to balance conservation and existing uses. We presume that additional alternatives seeking to maximize conservation or expand existing uses were proposed during scoping, but not carried forward for analysis. The Final EIS should include a section on alternatives that were considered but eliminated from further consideration. (U.S. Environmental Protection Agency, San Francisco, CA – #C145)

**PC #: 63****Public Concern: The Final EIS should identify specific elements of other alternatives that will be considered as fallback options if management objectives are not being met.**

Although we have no objections to the Preferred Alternative as described, we believe that some elements of the Small Desert Wildlife Management Area A Alternative (such as retrofitting existing linear routes for animal passage) merit additional consideration in the context of an adaptive management strategy for the planning area. The Final EIS and Record of Decision should identify specific elements of other alternatives that will be considered as fallback options if management objectives are not being met during a reasonable time frame. (U.S. Environmental Protection Agency, San Francisco, CA – #C145)

**PC #: 64****Public Concern: The BLM should consult with the Environmental Protection Agency prior to releasing the Final EIS, if the Preferred Alternative changes.**

In the event that the preferred alternative changes as a result of comments received on the DEIS, we request that BLM consult with EPA prior to releasing the FEIS. (U.S. Environmental Protection Agency, San Francisco, CA – #C145)

**PC #: 65****Public Concern: The BLM should clarify how projected range condition outcomes justify selecting the Preferred Alternative over the No Action Alternative.**

Overall, it was noted that the plan is very general about what exactly is being proposed in the various alternatives. Under the No Action Alternative, it seems that range conditions are visibly improving yet the analysis under the Preferred Alternative discloses outcomes which are similar to the No Action Alternative. If this were the case, it is unclear what the rationale may be for selecting the Preferred Alternative over the No Action Alternative. (U.S. National Park Service, Oakland, CA – #C68)

## **Affected Environment and Environmental Consequences**

### **General Desert Environment**

**PC #: 66****Public Concern: The CDCA Plan Amendment should take all necessary measures to protect and preserve the 5.5 million acres within NECO.**

The 5.5 million acres of Northern & Eastern Colorado Desert covered in the current Draft Management Plan is so valued as one of the last areas unaffected by growth. We must take all measures necessary to protect the natural wild places we have left. We must look at this protected land from a new viewpoint of preservation. It's not for our own use that we must protect these few remaining wild places: they must be preserved based on their own timeless value. It is bigger than recreation, or even the protection of a single endangered species. There are so few wild places that remain naturally intact, we are truly blessed to even glimpse the edges of the natural world anymore. (Individual, Occidental, CA – #C41)

**PC #: 67****Public Concern: The BLM should manage the desert through natural processes.**

I can't help but wonder if efforts to control, manage, maintain, and monitor the desert do any more good than simply leaving the desert alone. It seems that all these activities might have more negative impact, than allowing the desert to do what it does best, which is to maintain itself. As a result, my suggestion is that the desert will likely be better off with a minimum amount of outside interference. (Individual, No Address – #C7)

**PC #: 68****Public Concern: The BLM should restrict access to the Milpitas area and consolidate those areas with high biological sensitivity and value into single ownership blocks for management purposes.**

The County also supports BLM's activities in restricting access to the Milpitas area and consolidating those areas with high biological sensitivity and value into single ownership blocks for management purposes. (Imperial County Planning Department, El Centro, CA – #C151)



**PC #: 69**

**Public Concern: The BLM should protect and restore native biodiversity to the Sonoran public lands within NECO.**

The Center and its members value the Sonoran desert public lands within the NECO Plan area and urge BLM to fully protect and restore native biodiversity there. (Preservation/Conservation Organization, Tucson, AZ – #C86)

**PC #: 70**

**Public Concern: The Final EIS should incorporate a cumulative impact analysis of the Eagle Mountain Landfill, superceding the project-level EIS.**

The Draft EIS violates NEPA because it refuses to discuss the cumulative impacts associated with the Eagle Mountain dump, that the BLM has approved visa vie the production of an EIS (“EM EIS”) and an approved Record of Decision. The Eagle Mountain dump’s tentacles of destruction span throughout the Chuckwalla Bench, critical tortoise habitat, Joshua Tree National Park, and the communities and desert landscape in-between. This BLM sanctioned disaster is currently being challenged in the Federal Courts. This puts you in a rather peculiar situation. You hide behind the Eagle Mountain documents, rather than stand behind the documents your agency produced. One would think you would cite the EM EIS to support conclusions that you have made, but what we see is inconsistencies with this EIS and the EM EIS. Although we do not believe the content of the EM EIS is legal, stellar, or forthcoming analysis of impacts, we use it to illustrate the inconsistency with determinations you have made in this EIS. We wonder which document you believe is accurate. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 71**

**Public Concern: The BLM should consider the shape, size, and borders of desert land areas and designated areas when evaluating mitigation of uses.**

Questions arise about the whole concept of area and edge effects. Humans and other species relate to shapes of land and the ecosystem it supports as well as to the areas it comprises. Presumably a long, thin area limits some species differently from a more nearly circular one. Orography is also a factor. Though area is an important parameter, as it may be descriptive number for discussing mitigation, but some professionals as well as the lay public forget all of the iceberg below the one-number tip. Further, how is mitigation determined when the area involved is linear as in a single motorized vehicle incursion but the impact is greater than the measurable track width times length might imply. A bisected area is clearly very different from an intact one, given soil displacement, noise and other related factors. The actual area of impact may be relatively small but in some cases devastating to land health. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**PC #: 72**

**Public Concern: The BLM should consider providing land compensation for land withdrawn from recreational access.**

I am equally troubled with the philosophy that requires compensation for acreage that is converted to development, military, or government on five (or more) to one basis, yet when land is withdrawn from recreation access, there is no compensating mitigation. (Individual, Oceanside, CA – #C48)

**PC #: 73**

**Public Concern: The BLM should not place further restrictions on non-wilderness designated public lands.**

The California desert is 25 million acres in area. Of this, the BLM has jurisdiction of 9.5 million. This means that approximately 15.5 million acres are comprised of military bases, national parks, national monuments, cities, towns, state parks, etc. the lands under federal control, be it military or park service are already doing their part to preserve the endangered species within their borders. The state is doing the same. Of the 9.5 million acres controlled by the BLM, 3.6 million acres have been set aside as wilderness and access is limited, so as to preserve the flora and fauna within, to include the desert tortoise. This leaves approximately 5.9 million acres that are accessible to off road enthusiasts, campers, rock hounds, prospectors, and flower sniffers. From the figures stated above, it seems to me

that a vast majority of the California Desert is already set aside for the endangered species residing therein, and that additional land grabs would not stem the decline of said species. (Individual, Twentynine Palms, CA – #C134)

**PC #: 74****Public Concern: The BLM should reevaluate plans to close any non-wilderness areas within NECO and consider maintaining these areas for recreation purposes.**

The plan proposes to close areas resulting from the designation of a wilderness areas that contains sensitive wildlife species, but it also talks about closing other areas simply because they are either over-used or under-used. Apparently no thought was given to the fact that when the over-used areas are closed, then the under-used areas will begin to be more heavily used. I would think that you would want to provide as much space as possible for people to recreate rather than bunch them into small confined areas that will only serve to brew trouble for all users. (Individual, Falls Church, VA – #C183)

**PC #: 75****Public Concern: The Final EIS should not cite previously closed washes as conservation gains.**

The BLM NECO document “wash closed zones” alternative includes areas already closed. These already closed washes cannot be used to cite conservation gains. (Preservation/Conservation Organization, San Diego, Ca – #C141)

**PC #: 76****Public Concern: The Final EIS should not show bias towards motorized recreation in desert washes, which should be considered as desert watersheds.**

Unfortunately, we notice subtle bias toward accommodating motorized/industrial recreation and consumptive hunting/collecting. The specifics are contained in the discussions on route access, especially in the “navigable washes”; a newly-coined term, as there is no definition in the Glossary, Index of congressional legislation. As you well know, washes are the veins and arteries of desert watersheds. (Individual, Spring Valley, CA – #C136)

**PC #: 77****Public Concern: The Final EIS should identify desert washes designated as “Jurisdictions Waters of the U.S.”**

Related to recent legislation rulings, will the NECO plan specifically identify which washes and the specified limits are delineated as Jurisdictions Waters of the U.S.? (Oil/Pipeline Industry, Orange, CA – #C78)

**PC #: 78****Public Concern: The CDCA Plan Amendment should protect desert washes, both for their inherent resource values and to protect sensitive plant and animal species.**

A chief deficiency of the Plan is that it sidesteps what is perhaps the most significant issue in the NECO planning area. That issue is whether or not desert washes in the Plan areas should remain open to vehicular use or should be closed to this destructive activity. During the early NECO planning process, microphyll washes were highlighted by biologists and BLM staff as containing some of the most significant habitat values for wildlife in comparison to surrounding lands. In desert washes the plant nutrients are concentrated and both the plants and animal diversity is far higher than surrounding lands. The Plan totally fails to analyze the effect of vehicular use of washes on plant and animal life. The Plan instead defers analysis of the impacts of vehicular use in washes to some future time. This is not an incidental matter. The protection of washes, both for their inherent resource values and to protect tortoise and other species that rely on washes, has been central to the planning process. Deferral of vehicular impacts analysis clearly violates NEPA. (Preservation/Conservation Organization, Whittier, CA – #C94)

I am also concerned that the language of the plan allows vehicle riding in any wash unless future analysis shows it to be harmful. This seems akin to closing the barn door after the horse is out. Certainly the analysis should be done



before there is any damage, not after. Particular peril awaits the desert tortoise and other sensitive species.

(Individual, Bishop, CA – #C157)

**PC #: 79**

**Public Concern: The BLM should analyze the environmental impacts of all proposed routes and washes to determine the off-road vehicle effects to wildlife, plants and soils.**

I think ORVs have done a great deal of damage to the California Desert. I have seen cacti that were squashed by ORV tires. I've seen scars in the land, especially on hillsides, that last for decades and longer. It seems to me that you need to analyze the environmental impacts of all routes you propose, including washes, to determine the effects of ORVs and wildlife, plants, and soils. (Individual, Yorba Linda, CA – #C22)

**PC #: 80**

**Public Concern: The CDCA Plan Amendment should prohibit all present and future vehicle access to desert washes to protect desert tortoises, other wildlife and vegetation.**

Under no circumstances should driving be allowed in washes to protect desert tortoises and other wildlife and plant species. Roads designated for driving in washes should also be closed. (Individual, Berkeley, CA – #C163)

**PC #: 81**

**Public Concern: The BLM should restrict vehicle access in pristine areas for the protection of vegetation and wildlife.**

Of course, vehicles should not be driven over pristine lands; of course, there should be concern and protection for plants and animals; and never should littering be done. (Individual, No Address – #C44)

**PC #: 82**

**Public Concern: The BLM should analyze the long-term environmental effects associated with off-road vehicle use within NECO.**

It is especially important that plans be made for the wilderness areas within the planning region. Vehicles, including ORVs, should not be allowed in these areas. Tracks made by vehicles in the desert may take tens or even hundreds of years to repair. Plant life disturbed by ORV take years and years to come back. Meanwhile, wildlife is badly hurt. (Individual, Berkeley, CA – #C106)

**PC #: 83**

**Public Concern: The BLM should evaluate the long-term effects of closing over-used and under-use areas within the NECO.**

The plan proposes to close areas resulting from the designation of a wilderness area that contains sensitive wildlife species, but it also talks about closing other areas simply because they are either over-used or under-used. Apparently no thought was given to the fact that when the over-used areas are closed, then the under-used areas will begin to be more heavily used. I would think that you would want to provide as much space as possible for people to recreate rather than bunch them into small areas that will only serve to brew trouble for all users. (Individual, Oceanside, CA – #C48)

**PC #: 84**

**Public Concern: The CDCA Plan Amendment should give priority to healthy ecosystems and allow recreational use only if the viability of the ecosystem is not compromised.**

The plan must give priority to a healthy ecosystem. Recreational uses of any kind whether in a vehicle or on foot should be allowed only if the viability of the ecosystem is not compromised. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 85**

**Public Concern: The CDCA Plan Amendment should address serious threats to the physical and biological well-being of the plants and animal species which inhabit NECO, and restrict public access to limit impact.**

Land Health Determinations [U]. At page 2-6, the EIS provides that since the Public Land Health Standards “are a statement of goals for physical and biological function, determinations will be based strictly on the result of resource assessments and be made independent of the uses on public land.” The EIS should explain what kind of determinations “will be based strictly on the result of the resource assessments and be independent of the uses on public land.” To the extent this policy will be applied to determine allowed uses on public land, it is arguably inconsistent with the multiple use principles of the FLPMA. Furthermore, there is little evidence in the EIS that the use restrictions proposed under the Preferred Alternative have any causal connection with any articulated “goals for physical and biological function.” On the contrary, the proposed use restrictions do not address the most serious threats to the physical and biological well-being of the plant and animal species which inhabit the NECO Planning Area, and serve only to create significant public access and recreation impacts with little or no benefit to wildlife. (Recreational Organization, San Diego, CA – #C168)

**PC #: 86**

**Public Concern: The BLM should define recovered areas and restored areas within the desert.**

We support the restoration of some areas but find the word confusing. Areas are impacted and probably cannot be restored but can be protected and perhaps restocked with some plant and animal species. We have observed some success with this on BLM land. We have seen washes “recover” dramatically when protected from destructive use, but calling them “restored” is probably an exaggeration. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**PC #: 87**

**Public Concern: The BLM should include restored lands within disturbance area determinations until comprehensive restoration criteria are developed.**

We oppose subtracting so called restored lands from the cumulative total of disturbance until restoration criteria are developed and redefined that include suitability for the vertebrates that use that habitat (e.g., based on the restoration of suitable food plants for tortoises). (Preservation/Conservation Organization, Riverside, CA – #C88)

**PC #: 88**

**Public Concern: The BLM should reevaluate justification for the proposed water developments for the existence and welfare of wildlife.**

The plan states that three criteria must be met in order for permanent installations to be conducted and maintained in wilderness areas: preservation of wilderness character, consistency with wilderness management objectives, and minimum tools. Still, nowhere in the document is there a substantial explanation of why wilderness values should be jeopardized for the construction of desert guzzlers. The plan states that the use of motorized vehicles by the California Dept. of Fish and Game is “governed” by the 1997 Memorandum of Understanding with BLM. (p. 4-69). While such an assertion is technically correct, it glosses over an important point: that neither the 1997 MOU nor the Wilderness Act itself authorizes the arbitrary construction of guzzlers within wilderness areas. Such actions, similar to all federal actions, should proceed only on an as-needed basis, where the need has been clearly defined, articulated, and analyzed, and in accordance with the Wilderness Act and other environmental laws. Failing the presentation of such a justification, the proposed action should not proceed. (Preservation/Conservation Organization, Davis, CA – #C81)

Our primary concern with the proposed management plan is Section 4.2.6, the Wilderness Management section. This section contains a proposal to construct 24 water development facilities within desert wilderness areas. Our primary concern is that the proposed water developments will negatively affect the wilderness values that the Bureau has the responsibility to safeguard. Insufficient justification: The justification for the proposal to place 24 guzzlers within desert wilderness (along with 64 guzzlers outside of wilderness) for the benefit of desert bighorn sheep, is contained in a single sentence within the proposal: “Expansion of usable habitat has been identified as an



important component of a conservation strategy to ensure long-term viability of the Sonoran Desert and Mojave desert Bighorn Sheep Metapopulations.” (p. 4-67) The document goes on to mention that water developments “may be necessary for the continued existence or welfare of wildlife living in wilderness” (p. 4-68). These arguments, compelling as they may be on their surface, provide insufficient justification for the construction of two dozen guzzlers within desert wilderness. (Preservation/Conservation Organization, Davis, CA – #C81)

**PC #: 89****Public Concern: The BLM should acknowledge impacts to the desert due to drought conditions and natural occurrences rather than human related impacts.**

We’ve been here since the early ‘50s and have seen many, many changes. A lot of them are related to the animals; a lot of them are related to the habitats; the flora and fauna have changed. In my opinion a lot of it is not due to people, it’s due to the drought condition that we’ve had for almost 10 years now, consecutively. (Individual, Desert Center, CA – #C174)

**PC #: 90****Public Concern: The Final EIS should detail the Public Land Health Standards proposed for the NECO planning area.**

On page 2-6, the EIS states that a “single set of Public Land Health Standards will be applied desert-wide and to all resources and uses. Standards have their foundation in the physical and biological laws of nature. These laws are consistent regardless of the resource or use.” This statement, and the policy it describes, are broad and sweeping and completely without evidentiary support. There is no data indicating that one set of land “health” standards can be rationally applied to all areas of the desert, or to the uses made of those areas. Even if one were inclined to accept such a proposition, the EIS fails to list or otherwise describe these uniform Public Land Health Standards. And to assert that these standards are founded on the “physical and biological laws of nature” without identifying which “laws” are in play, is itself grossly “unscientific.” The last statement – that these “laws” of nature are constant regardless of the resource or use involved – is similarly devoid of evidentiary support. These kinds of sweeping, undocumented generalizations occur throughout the EIS and mar many of its analyses. (Recreational Organization, San Diego, CA – #C168)

**PC #: 91****Public Concern: The BLM should develop planning strategies comparable to the National Park Service and encourage resource management as a priority.**

This is an astounding rationalization for MUC changes. This very BLM recently gave a private company 3,500 acres of land for the development of the world’s largest garbage dump, for Los Angeles’ garbage, by saying there aren’t any minerals or quality wildlife habitat. Now, you say we’re changing Use designations to accommodate wildlife and future mining of iron ore and gold. What is up with that? If this agency truly wanted to encourage proper resource management, it would have paid attention to it’s Sister Agency, National Park Service, and never exchanged those lands in the Eagle Mountains nestled in the arms of Joshua Tree National Park. Further, it is impossible to determine which 2,600 acres will be unclassified, and what 18,000 acres become MUC L. For example, are the respective 18,000 & 2,600 acres contiguous tracts of lands, or mixed designations within the 18,000 and 2,600 acres? (Preservation/Conservation, Desert Center, CA – #C87)

**PC #: 92****Public Concern: The BLM should address effects of the Border Patrol on wilderness and sensitive habitats.**

We are also concerned that this NECO document does not address Border Patrol buildup, equipment placement, lighting and towers, fencing, and off road driving in Wilderness and sensitive areas as one of the issues. BLM must act to protect the wilderness and sensitive areas along the Border. (Preservation/Conservation Organization, San Diego, CA – #C141)

BLM fails to address effects of the Border Patrol. BLM must act to protect wilderness and sensitive habitats along the border from Border Patrol build-up and off-road driving. (Individual, Needham, MA – #C46)



## Land Designations

### PC #: 93

#### **Public Concern: The CDCA Plan Amendment should maintain open status of Ford Dry Lake and Rice Valley Dunes to off-highway vehicle use.**

The draft Management Plan proposes the restriction or elimination of Off-Highway Vehicle use within the NECO planning area that go beyond what is necessary to protect natural resources. Specifically, the Preferred and Small DWMA "A" and "B" Alternatives would close to vehicle use a portion of Ford Dry Lake and a portion of Rice Valley Dunes. These areas historically have experienced a low level of vehicular use and should retain their current Open status in the Final Plan. (Individual, No Address – #C18)

### PC #: 94

#### **Public Concern: The BLM should provide substantive proof of soil quality problems at Rice Valley and Ford Dry Lake, as they are low use areas and should remain open.**

Chapt. 4 Pg. 54 it states: with the deletion of Rice Valley and Ford Dry Lake Open areas there is a positive benefit to soil quality because of the reduction of soil disturbance. There are not any reports to back up that there are soil quality issues in Rice Valley and Ford Dry Lake. If the areas are low use areas how can there be a soil quality problem? The reasons for closing these areas seem to be anecdotal and there is nothing substantive to back up these proposed closures. (Recreational Organization, Victorville, CA – #C91)

### PC #: 95

#### **Public Concern: The CDCA Plan Amendment should provide access to Rice Valley Dunes, Ford Dry Lake Bed and Dumont Dunes.**

I would like to add that the Rice Valley Dunes and Ford Dry Lake Bed should not be closed. The infrequent use of these areas is not a good reason for closing them to public use. I was at the Ridgecrest public comment meeting on this plan and at that time I asked that Dumont Dunes NOT be considered for closing and I still feel that way, if anything please look for ways to open more areas up to public use. (Individual, Simi Valley, CA – #C73)

### PC #: 96

#### **Public Concern: The BLM should close the Johnson Valley-Parker race course.**

The Johnson Valley-Parker race course also should be closed. It has not been used since 1984, and the baseline resource studies used to justify the course were never done. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

### PC #: 97

#### **Public Concern: The CDCA Plan Amendment should permanently eliminate all race courses and close Ford Dry Lake and Rice Dunes to off-highway vehicle use.**

We strongly urge the BLM to eliminate all Off-Highway Competitive events in the DWMAs. The proposed closure of the Parker 400 Race, and closure of the Ford Dry Lake and Rice Dunes is movement in the right direction, but in order to restore and maintain ecosystem health for all special status species, more sites and routes must be closed. The Johnson Valley-Parker Valley race course cuts right through desert tortoise critical habitat. These routes should be permanently closed to both competitive and casual off-road vehicle use to protect wildlife and critical habitat. Straying from the route into the Sheephole Valley Wilderness could result in degradation of wilderness resources. (Preservation/Conservation Organization, San Diego, CA – #C141)

ORV events must be eliminated in DWMAs. The Parker 400 race route, Ford Dry Lake and Rice Dunes open areas are proposed for closure. This is a good move, but to protect DWMAs more ORV areas must be closed. The harm caused by ORV use is well documented. (Shore, T., 2001, Off-road to Ruin, California Wilderness Coalition.) The Johnson Valley-Parker race course cuts through critical habitat in the Chemehuevi DWMA yet has not been used



competitively since 1984. These open areas & routes must be permanently eliminated. (Individual, Needham, MA – #C46)

**PC #: 98****Public Concern: The CDCA Plan Amendment should implement proposals for the Red Mountain Subregion which represent the spirit of limited use.**

Thank you for including public comment as part of your process for developing a vehicle route network for the West Mojave Desert. This letter is to provide you with my comments for the Red Mountain Subregion...I can see that the majority of the roads suggested as “open” are legal roads that have existed for many years. I believe that this is an excellent policy, as the established roads are the preferred routes to travel and their lack of damaging impact to the environment has already been proven. I can also see that the majority of the roads suggested as “closed” are illegal roads that have been created by individuals traveling cross country. Eliminating these roads makes sense to me as well. The plan keeps with the spirit of “limited use”, where vehicle travel is limited to established roads only, and there are plenty of legal roads available to travel on. I would like to commend the team for keeping things on track. (Individual, Tustin, CA – #C45)

**PC #: 99****Public Concern: The BLM should maintain access to all existing roads in the Blackwater Well and Black Hills areas.**

There is a section of the “Red Mountain East (2/3)” map showing various roads as recommended closed (RMC 10). I noticed that on my 1988 map of Blackwater Well that there have been roads around the Blackwater Well and Black Hills areas for a long time. The updated maps you provided show some additional roads that seem to have been created by individuals making their own trails. If this is the case, I think it would be beneficial to keep all of the pre-existing roads open and eliminate the others in order to achieve a good balance. The area is very beautiful and I would like to see access to it kept intact. (Individual, Tustin, CA – #C45)

**PC #: 100****Public Concern: The BLM should consider keeping the road southeast of Cuddeback Dry Lake open to vehicle use.**

To the south of the Southeast edge of Cuddeback Dry Lake area, there is a road that heads north from the tip of the lakebed, curves east, and then joins RMO16B. I would suggest keeping that road open, as it is a very smooth stretch of road, and it is helpful with navigation due to the fact that it's easy to locate from the intersection at the tip of the lakebed. (Individual, Tustin, CA – #C45)

**PC #: 101****Public Concern: The BLM should clarify the proposed change to the Multiple Use Class designation in the Eagle Mountains.**

You propose to change the Multiple Use Class, (MUC) designation in the Eagle Mountains area on 20,600 acres of current MUC Intensive to MUC Limited (18,000) and MUC Unclassified (2,600 acres). You list 4 reasons for this: 1. MUC L more appropriately supports the management goal and proposals for bighorn sheep while still allowing the extractions of minerals, 2. MUC I supported open pit mining of iron ore which terminated over a decade ago, including dismantling of the associated milling facility, 3. Mineral market conditions are such that remaining mineral potential (mostly iron and gold) is currently uneconomical, and 4. Gold deposits are in the form of veins, the extraction of which would most likely not involve the open pits method. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 102****Public Concern: The BLM should clarify the deletion of Multiple Use Classification Guideline Criteria in the Preferred Alternative.**

At page 2-4, in Table 2-1, the EIS indicates that under Amendment 11 of the Preferred Alternative, BLM would “Delete MUC Guideline criteria in Recreation Element.” However, this is not explained. Such an explanation is

necessary to evaluate the recreation impacts of the Preferred Alternative. (Recreational Organization, San Diego, CA – #C168)

**PC #: 103****Public Concern: The BLM should justify all habitat designation changes within the desert.**

The plan proposes to arbitrarily change CAT I and CAT II desert tortoise habitat to CAT III if it now falls outside a DWMA, and change CAT III to CAT I or CAT II if it falls within a DWMA (ch.2Pg.4). How can habitat be so quickly changed from one level to another unless there has been a change in its condition? (Preservation/Conservation Organization, Yuma, AZ – #C95)

At Ch.2 Pg. 18 the Plan/EIS proposes that the U.S. Fish and Wildlife Service modify critical habitat for desert tortoises so as to coincide with the DWMA's. How can this process be treated so capriciously? If the area is already critical habitat, it should be kept so and included in the DWMA. In particular, BLM is proposing (Ch.2 Pg. 19) to eliminate CAT I and CAT II desert tortoise critical habitat south of California 78 and west and south of the proposed Chemehuevi DWMA. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 104****Public Concern: The CDCA Plan Amendment should specify that all acquired replacement habitat become designated critical habitat.**

The plan should specify that all acquired replacement habitat become designated critical habitat. (Preservation/Conservation Organization, Riverside, CA – #C88)

**Wilderness, Recommended Wilderness, and Released Wilderness****PC #: 105****Public Concern: The BLM should consider opening a wilderness corridor or access route to the Golden Valley Wilderness.**

To the east of Red Mountain, Steam Wells Road is closed at the boundary of the Golden Valley Wilderness. Would it be favorable to open it as a wilderness corridor or access route, similar to the Grass Valley Wilderness corridor? I have been through the Grass Valley corridor and I am very impressed at the opportunities it provides for access to hiking and photography. Access to the Golden Valley Wilderness is very limited and it is not feasible to carry my camera equipment and enough water to drink very far into the wilderness. I am also very apprehensive about leaving my vehicle unattended for any length of time, due to the possible threat of vandalism throughout the desert regions. The Grass Valley corridor is a very successful alternative so I wanted to share these thoughts with you. (Individual, Tustin, CA – #C45)

**PC #: 106****Public Concern: The BLM should acknowledge that it has no authority to designate wilderness-like reserves that prevent recreational and extractive uses.**

Areas considered major may not be recommended for Wilderness designation or classed as Wilderness Study Areas. In addition, the Forest Service and Bureau of Land Management have administratively developed non-Congressionally designated Wilderness-like reserves or buffer zones. The Forest Service's buffers are called natural and near-natural areas. The BLM's reserves are named primitive and semi-primitive. These non-Congressionally approved land classifications should be receive the Back Country Recreation Area designation. All "roadless" federal lands, not currently designated as Wilderness, should be reviewed for their importance to back country recreationists and considered for designation as BCRAs within 20 years of the passage of this act. Many roadless areas have been under consideration for Wilderness designation for over 30 years. The opposition to Wilderness designation in many of these areas has been largely from recreationists whose preferred form of recreation isn't allowed in Wilderness areas. Recreational resources need not be sacrificed for responsible resource extraction. The BCRA designation will encourage cooperation, not only between diverse recreation interests, but also between recreationists and our resource industries. (Recreational Organization, Helena, MT – #C296)



**PC #: 107**

**Public Concern: The BLM should consider an alternative land designation for wilderness areas which better suits the needs of recreationists.**

The wilderness designation is not good for recreation and an alternative designation is needed. Many U.S. citizens do not trust our federal land managers to manage our natural resources responsibly. Wilderness advocates have taken advantage of this situation to promote the Wilderness designation and now the Roadless designation as a means to protect these areas. Wilderness designation was originally conceived, by the Wilderness advocates involved in the passage of the 1964 Wilderness Act, as appropriate for about ten million acres of administratively designated Primitive Areas. Present day Wilderness advocates have since "corrupted" the concept to a system of over one hundred million acres and they say we need much more. An alternative land designation is needed to resolve the Wilderness and Roadless area debate. Off-highway motorcycles, snowmobiles, 4X4s, mountain bikes, ATVs, and personal watercraft are not allowed in designated Wilderness and, most likely, Roadless areas. Therefore, these popular recreation pastimes are severely impacted by the Wilderness and Roadless designation. Motorized uses that have been grand fathered into some Wilderness areas, such as use of aircraft and powerboats, are subjected to harassment. Horseback riders, hunters and other non-motorized recreationists are also increasingly under attack from Wilderness advocates who push more restrictive regulations in existing Wilderness areas and those areas proposed for that designation. The U.S. Congress must act on legislation establishing a federal designation that is less restrictive to recreational use than Wilderness and the proposed Roadless designation. We propose it should be called "Back Country Recreation Area. " This designation should be designed to protect and, if possible, enhance the backcountry recreation opportunities on these lands while still allowing responsible utilization of these areas by the natural resource industries. (Recreational Organization, Helena, MT – #C296)

**PC #: 108**

**Public Concern: The BLM should complete adequate management plans for the 25 wilderness areas within NECO.**

I hope you will consider completing adequate management plans for the 25 wilderness areas within the planning regions. Many of these areas do not have management plans, and yet are proposed for water developments and other activities. Further, several areas receive continual trespass by motorized vehicles, and the plan does not address these effects. (Individual, Truckee, CA – #C8)

The BLM should not authorize any new developments within wilderness areas. It should complete adequate management plans for the 25 wilderness areas, and specify prevention of motorized incursions into wilderness! (Individual, Laguna Hills, CA – #C27)

**PC #: 109**

**Public Concern: The BLM should specify actions to prevent motorized incursions and ban new developments within wilderness areas.**

I hope you will consider specifying actions to prevent motorized incursions into wilderness and a ban on any new developments within wilderness areas. (Individual, Truckee, CA – #C8)

**PC #: 110**

**Public Concern: The BLM should provide for motorized recreational opportunity and access within Wilderness areas.**

The list of characteristics that define and describe a wilderness area places equal emphasis on retaining its primeval character and outstanding opportunities for solitude or a primitive and unconfined type of recreation. If a wilderness area is located in a desert and cannot be accessed by available motorized transportation routes and access to water sites are restricted, how can it provide any type of recreational opportunity? (Recreational Organization, Minneapolis, MN – #C131)

Other than the military bombing area, the majority of the nice areas into the mountain ranges, where the washes are smoothest, are now Wilderness areas and closed to the public. This country is starting to remind me of Europe in the 16,17 and 1800's. Private ownership and government control of lands. I guess they wanted to protect it for future generations. (Individual, No Address – #C132)



**PC #: 111****Public Concern: The CDCA Plan Amendment should manage wilderness areas without added water developments which can lead to artificial expansion of species populations, especially herd animals.**

One of my major objections to the Preferred Alternative is the call for more development of artificial water sources, as well as a desire to “enhance” already existing water supplies. I am strongly opposed to this practice. The Colorado Desert ecosystem evolved without the “help” of these guzzlers. It will continue to be a healthy ecoregion without them. These human-created water holes artificially expand the population of various species, especially the herd animals such as desert bighorn. This in turn puts undue pressure on the plant communities that have evolved over thousands of years and are used to a certain amount of water capacity. While the ultimate goal of this water source enhancement is admirable (i.e. the augmentation of an imperiled species), it is also misguided. This is especially true in Wilderness Areas and potential Wilderness Areas. These places are meant to be kept in as natural a condition as possible, not managed to be artificial breeding grounds for any particular species. I urge you to accept the Colorado Desert on its own terms rather than try to “improve” it through unnecessary water developments. (Recreational Organization, Helena, MT – #C135)

**PC #: 112****Public Concern: The BLM should consider the negative impacts water developments have on desert species and wilderness areas.**

We are interested in the draft management plan covering five point five million acres in the Northern and Eastern Colorado deserts. As you know, the current plan calls for the development of 137 new water developments or “guzzlers”. We feel that such a plan may negatively impact those imperiled desert species and wilderness areas. (Individual, Paradise, CA – #C103)

I appreciate your efforts to update Desert Plans and protect sensitive species, such as the desert tortoise. I do think you could improve the Northern and Eastern Colorado Desert Plan by eliminating all proposed guzzlers and other water developments in designated wilderness areas. They just won’t belong there. You should also complete adequate management plans for the 3 Wilderness Areas within the Planning Regions and specify actions to prevent motorized incursions in wilderness, and do not authorize any new developments within wilderness areas. (Individual, Thousand Oaks, CA – #C5)

I am extremely appreciative of all your hard work in the management our important wilderness lands. Please do everything you can to eliminate all “guzzlers” and other water developments from this plan. These would be inappropriate for wilderness areas. Also, please strengthen rather than weaken your designation of proper vehicle routes (off-road or otherwise) as previous Executive Orders have done. We trust and rely on your vision to complete adequate management plans for ALL wilderness areas and, by default, are against any new developments within wilderness areas. (Individual, Tiburon, CA – #C6)

The first concern is the proposal to develop 137 water sources for wildlife; a commendable endeavor in such a harsh climate. My concern is the ones that are proposed to be developed in existing wilderness areas. I have read that the impacts of some 24 of these wilderness water sources on the integrity of wilderness have not been addressed, and that their physical location has not been disclosed. Why is that? Any development in a designated wilderness is unacceptable. There are 25 wilderness areas that fall within your planning regions, many that do not have management plans. The proposal of any water developments in these areas until such planning has been carried out, is premature. Also, the abuse heaped upon this area by trespassing ORVs is totally unacceptable. Something must be done to stem the destruction. (Individual, Hydesville, CA – #C35)

**PC #: 113****Public Concern: The BLM should provide site-specific analysis to justify water developments in wilderness areas.**

The plan contains absolutely no site-specific analysis on the impacts of conducting 24 wilderness guzzlers. Even the maps of proposed guzzler locations are described as “general [I] locations” (p. 4-68, emphasis in original). In failing to describe site-specific impacts, the BLM is failing to comply with the fundamental tenet of the National Environmental Policy Act: that federal actions which impact the environment be described and analyzed in detail prior to authorization. The lack of site-specific analysis again makes the entire proposed action arbitrary and



capricious. The document specifically authorizes 24 guzzlers in wilderness areas. But by merely relying on a promise to comply with agency policies while failing a site-specific analysis, the agency could have authorized 24, 240, or 2400 guzzlers. Until such an analysis is presented that describes and analyzes the proposed action and its impacts on desert wilderness and wildlife, the proposed action should not proceed. (Preservation/Conservation Organization, Davis, CA – #C81)

**PC #: 114****Public Concern: The BLM should reduce or eliminate grazing in wilderness if ecosystems are being damaged.**

Wilderness values must also be protected—grazing must be reduced or eliminated if wilderness ecosystems are being damaged by grazing. If grazing must be reduced in one part of a wilderness, then range improvements may not be constructed in another part of wilderness to support more grazing there. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**PC #: 115****Public Concern: The CDCA Plan Amendment should protect all Wilderness lands and Wilderness Study Areas within NECO by regulating vehicle access and preventing new developments.**

I appreciate the Bureau's efforts to update planning documents for these areas and the strengthening of management goals for the health of the desert tortoise and other sensitive species. However, I believe that the Northern and Eastern Colorado Desert Plan can be improved. All of the wilderness lands within the planning regions should be protected from motor vehicle use of all kinds and this protection should include closure of wilderness areas and wilderness study areas and active enforcement of regulation for vehicles in the desert. No new development of any kind should take place within the wilderness areas and the BLM should do all that it can to protect the wild character of these areas. (Individual, Oakland, CA – #C10)

I know that you appreciate the wild character of the NECO planning lands as much as anyone and I hope more than most. You are in a position to make balanced and wise decisions regarding the desert wilderness and the creatures, plants and character that inhabit those lands. I hope you will do everything in your power to see that those lands are preserved in as close to a wilderness state as is possible. We have millions of miles of paved roads for cars and other motor vehicles and thousands of miles of off-road terrain that permit motor vehicle access, in the dessert and elsewhere on BLM-managed lands. Please do all that you can to reduce road access and other development in wilderness areas and in lands adjacent to them. America needs to protect what little truly "open" space it still has. (Individual, Oakland, CA – #C10)

**PC #: 116****Public Concern: The CDCA Plan Amendment should protect released Wilderness Study Areas.**

Remnant WSAs should be given the highest degree of protection possible, i.e., should still be considered as WSAs where IMP regulations still apply. Most are still wilderness quality, and natural values should be protected. (Preservation/Conservation Organization, Ridgecrest, CA – #C67)

**Desert Wildlife Management Areas****PC #: 117****Public Concern: The CDCA Plan Amendment should not eliminate critical habitat within Chemehuevi and Chuckwalla Desert Wildlife Management Areas.**

The proposed Chemehuevi DWMA eliminates critical habitat on its NW side, and the Chuckwalla DWMA eliminates critical habitat S & E of HWY 78. Critical habitat must be maintained or enlarged, not made smaller. (Individual, Needham, MA – #C46)

**PC #: 118****Public Concern: The CDCA Plan Amendment should base size of Desert Wildlife Management Areas on designated critical habitat units.**

The USFWS designated critical habitat based on the DWMA proposed in the draft Recovery Plan. The Recovery Team expected the DWMA to be based on designated critical habitat plus those areas that were not designated as such because they were already protected [FWS Recovery Plan, p. 55]. Accordingly, the sizes of specific DWMA should be based on the designated critical habitat units (i.e., the 937,400 acres for Chemehuevi and 1,020,600 acres for Chuckwalla). This minimum acreage was based on population densities estimated prior to 1993. Given that tortoise populations have declined in the meantime and the fact that the NECO plan falls short on a number of key issues (such as grazing and route designation), if anything the DWMA's need to be larger. For the Chemehuevi unit, the total critical habitat area [Federal Register 59(26) 5827, February 8, 1994] is 937,400 acres versus the "large DWMA" of 886,578 acres in the NECO Plan. No explanation is given for the extremely controversial decision to delete as much as 70 square miles of public land from the western end of the Critical Habitat Unit (compare Map 2-6 to Map 3-5), land that is largely Category I habitat (2-3). What biological or other data justify the exclusion of this land that lies between the Cadiz agriculture operation and the proposed DWMA boundary, and that includes significant amounts of BLM Category I tortoise habitat? (Preservation/Conservation, Riverside, CA – #C88)

**PC #: 119****Public Concern: The Final EIS should justify proposals for deleting critical habitat from Desert Wildlife Management Areas.**

Likewise, the draft plan lacks an adequate explanation of deleting critical habitat and largely Category II lands south of highway 62 from the proposed DWMA. For the Chuckwalla unit, the draft plan lacks any explanation for deleting critical habitat and largely Category II lands southeast of highway 78 from the proposed Chuckwalla DWMA. (Preservation/Conservation Organization, Riverside, CA – #C88)

**PC #: 120****Public Concern: The CDCA Plan Amendment should restrict all motor vehicles to designated roads and designate all washes as closed zones within Desert Wildlife Management Areas.**

The Preferred Alternative lacks an inventory of the existing road network. The Preferred Alternative does not restrict motor vehicles to designated roads in DWMA's (as called for by the Recovery Plan). Rather, the Preferred Alternative would allow vehicles to drive in desert washes in portions of DWMA's where roads are absent. The Preferred Alternative would designate parts of DWMA's as "washes closed zones." Conversely, parts of DWMA's would remain open zones where driving through desert washes is automatically allowed. Instead of confining vehicles only to designated routes throughout the entire DWMA's, the Preferred Alternative would presume routes to be open in some parts of the DWMA (and much of the non-DWMA parts of the planning area) unless specifically closed. (Preservation/Conservation Organization, Oakland, CA – #C167)

**PC #: 121****Public Concern: The Final EIS should propose and analyze alternatives to recreational uses within Desert Wildlife Management Areas.**

There is no justification for continuing to allow recreational activities such as competitive off-highway vehicle events, recreational shooting and off-road use in areas designated Desert Wildlife Management Areas (DWMA's). Human disturbances ranging from campsites to motor vehicle use to infrastructure repair and construction must be restricted to existing, previously disturbed sites. Roads that are not needed should be closed to afford as much protection to vulnerable wildlife species and critical habitat as possible. The DEIS must propose, analyze and adopt an alternative that ensures these protective measures are in place. (Preservation/Conservation Organization, Jackson, WY – #C53)



**PC #: 122**

**Public Concern: The CDCA Plan Amendment should protect washes and designated routes in Desert Wildlife Management Areas as called for in the Desert Tortoise Recovery Plan.**

The plan does not protect washes or designate routes in DWMA's as called for in the recovery plan. Most of these routes are dirt tracks and should be closed in DWMA's. BLM's "wash closed zones" alternative includes areas already closed, and BLM presents this as a false conservation gain and fails to close sensitive areas such as Milpitas Wash. Routes 513-15, 546, 517, 545, 542-43, 521, 525-40, 548-49, should be closed in the Chemehuevi wash area. (Individual, Needham, MA – #C46)

**PC #: 123**

**Public Concern: The CDCA Plan Amendment should prohibit all competitive and organized events on designated routes within Desert Wildlife Management Areas.**

The Recovery Plan recommends prohibiting "all competitive and organized events on designated roads" as incompatible with desert tortoise recovery. The Recovery Plan notes that "the BLM and some other governmental agencies have been (and continue to be) ineffective in preventing ORV competitive events and casual use from causing more habitat damage and loss in important desert tortoise habitats. [Citations omitted.] For example, when competitive events are held, old routes are widened, new routes are formed, race participants and observers camp and park in unauthorized areas, race monitors are unable to prevent unauthorized activities, and garbage is not appropriately handled." (Recovery Plan, Appendix D, pg. D17.) Both the Preferred/Large Alternative and the Small DWMA B Alternative would allow for competitive races on the Johnson Valley to Parker route, with up to 500 participants allowed under the Preferred alternative and up to 800 under the Small DWMA B Alternative. The BLM should develop and adopt a preferred alternative that eliminates this racecourse. (Preservation/Conservation Organization, Washington D.C. – #C92)

**PC #: 124**

**Public Concern: The BLM should establish restrictions for car camping within Desert Wildlife Management Areas to prevent resource damage.**

I have some concerns regarding vehicle and road closure plans. The DWMA's allow for off-route travel 300 feet from each side of the road to camp. This margin should be reduced to the width of one vehicle to prevent additional resource damage. Additional campsites and disturbed areas adjacent to roads should be restored, or put "to rest." (Individual, Berkeley, CA – #C163)

**PC #: 125**

**Public Concern: The BLM should consider withdrawing significant portions of entire Desert Wildlife Management Areas from mineral entries to prevent further habitat loss.**

Stopping further habitat loss and degradation is essential to species recovery. We are concerned about the lack of specific information on how the proposed 1% cap on new ground disturbance in the DWMA will be implemented particularly with respect to mining. The boundaries of the proposed Chemehuevi and Chuckwalla DWMA have been drawn to encompass large areas of wilderness. By necessity, mining and other ground disturbance should be 1% of the area of the DWMA exclusive of the Wilderness Areas. Additionally, a single mining operation in a very sensitive area could be devastating even if it does not exceed the 1% threshold. Consequently, it may be essential for significant portions of DWMA's to be withdrawn from mineral entry. In this respect we note that the FWS Recovery Plan recommended withdrawing the entire Chuckwalla DWMA from mineral entry. (Preservation/Conservation Organization, Riverside, CA – #C88)

**PC #: 126**

**Public Concern: The BLM should clarify the one percent disturbance cap on land within Desert Wildlife Management Areas and ensure consistency with the West Mojave Plan.**

The Draft Plan proposes the application of a 1% cap on land disturbance within the DWMA's, however, it appears that this cap is limited to federal ownership. It is not clear whether this cap is also intended to apply to private land under County jurisdiction. We believe that the 1% cap should be consistent with the approach in the West Mojave Plan. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)

**PC #: 127**

**Public Concern: The BLM should consider a disturbance cap in Wild Horse Management Areas similar to that proposed for Desert Wildlife Management Areas in order to protect habitat.**

Ch. 2, Pg. 41. We support in concept the WHMA for the protection and enhancement of habitat, considering that "80% of the distribution of all special status species and all natural community types are included in the Multiple-species Conservation Zone". However, we fail to see how the WHMA will provide additional protection for the sensitive plant species over the current requirements of NEPA and CEQA. We suggest a disturbance cap, like that proposed in the DWMA's, to assure protection of the WHMA's. While we support surveys for these species within and outside the WHMA, we support an adaptive management of additional occurrences that ultimately protects the species throughout its range. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 128**

**Public Concern: The CDCA Plan Amendment should adequately protect rare and sensitive species and habitats which reside outside Desert Wildlife Management Areas and Wild Horse Management Areas within NECO.**

Special status species outside DWMA's and WHMA's are considered as potential sacrifices to land exchanges.[b/I] At Ch. 2 Pg. 71 the Plan/EIS states that "fixed site" special status species and habitats (i.e., rare plants, bats, hot springs) which lie outside DWMA's and WHMA's will also be retained in public ownership to the extent practical." This is weak and fails to adequately protect these rare and sensitive species and habitats. If outside a DWMA or WHMA, such species and habitats should be protected by some other designation, such as an ACEC, and not be allowed to leave the public domain for private ownership (and usually, destruction). Similarly, at Ch. 4 Pg. 12, the Plan/EIS mentions matter-of-factly that "It is significant that 19 percent of the range of angel trumpet, 28 percent of Hardwood's rattlesnake, and 100 percent of the sites for giant Spanish needle are on Unclassified lands. These lands are planned for disposal into private ownership; development would presumably follow such a transfer. " If nothing else, what is BLM going to do to mitigate this loss? Quite frankly, we are skeptical of mitigation because it is so often a failure, but at least you should develop some sort of mitigation for this loss. (Preservation/Conservation Organization, Yuma, AZ – #C95)

## **Land Acquisitions**

**PC #: 129**

**Public Concern: The BLM should identify and map public lands proposed for disposal within the NECO area.**

The Plan proposes to identify public lands for disposal based on certain criteria. These lands need to be identified and mapped. The effects, both positive and negative, of their disposal and/or trade need to be analyzed. At 1-9 the Plan proposes to dispose of lands "to provide for private economic opportunities," presumably some consumptive use such as mining or development. Firstly, we question private economic use as a proper goal for a public land agency, and secondly, if these lands have high "economic opportunities" what are the opportunities, and what are the direct, indirect and cumulative impacts of making the lands available to those uses? Furthermore, the Plan states that the goal is "As much as possible, to accomplish land tenure adjustments through land exchanges." The EIS needs to analyze why this is preferable to outright acquisition as regards environmental impacts. Clearly the



Wildlands Conservancy's efforts culminated in a huge desert land acquisition and consolidation into public ownership, showing that acquisition is a very feasible alternative. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 130****Public Concern: The BLM should preserve the desert for the public and not allow more land to be exchanged within NECO.**

There won't be any animals left, and there won't be any land for us to go to enjoy because you'll give it away in one of these land exchanges where we only get \$77 an acre for the land and then we get land where a railroad is and we pay thousands for it. I don't know who made that deal either. (Place-Based Organization, Desert Center, CA – #C172)

**PC #: 131****Public Concern: The BLM should continue efforts to transfer lands from private to public but should have written documentation of proposals upon private consolidation.**

The County currently has review and permitting jurisdiction over the "checkerboard" area where alternating sections are owned by private and public interests. The County supports BLM's efforts to transfer lands from private to public ownership for those areas north of the Chocolate Mountain Gunnery Range and for those properties owned by Catellus near State Highway 78. However, the County is also concerned as to the type of development that Catellus might propose once they have acquired such a large block of contiguous land ownership. Does BLM have any written documentation of what Catellus wishes to do with their lands upon consolidation? (Imperial County Planning Department, El Centro, CA – #C151)

**PC #: 132****Public Concern: The Final EIS should disclose all relevant information regarding planned and approved developments within proposed land exchanges.**

At the very minimum, this EIS must disclose to the public the planned and approved developments in this area, and discuss the associated cumulative impacts incurred with each project with regard to the proposed action. These private and public developments include, but are not limited to, mining activities, the Eagle Mountain mega-dump, MWD's proposed conjunctive use [groundwater storage] in the upper Chuckwalla Valley, and the Eagle Crest Energy Company (ECEC) proposal for a hydroelectric pump/storage project that recently gained a preliminary permit from the Federal Energy Regulatory Commission (FERC). As explained above the BLM exchanged 3,500 acres of land in the Eagle Mountains because the land exchange, according to the BLM, is in the public's interest. In return, the private companies involved in the exchange, Kaiser & Mine Reclamation Corporation, gave the public 2,800 acres of land, consisting of 10 separate tracts, all bisected by Kaiser's RR, and discussed in more detail below. Now we see in this DEIS that the BLM wants to acquire land in the proximity to the very lands they have just given away. It appears that the land the BLM wants to acquire is the same land that the Metropolitan Water District will need for its proposed water storage project...The BLM certainly has the discretion to exchange lands under FLPMA. However, these exchanges, sales, or acquisitions need to be transparent. If BLM intends to transfer these lands to MWD, then this EIS must determine the environmental impacts of the action. EIS documents are not to be written to serve a pre-determined decision. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 133****Public Concern: The Final EIS should reevaluate land acquisition alternatives which could prevent thorough public review of land management.**

Under the preferred alternative land acquired through compensation or mitigation will be classified closed for disposal or use. This constitutes a major change to prevailing land use patterns and has long range impacts that serve to shortcut the public review process of land management. (Recreational Organization, Minneapolis, MN – #C131)



**PC #: 134****Public Concern: The BLM should consider proposed land acquisitions within the NECO area.**

The California State Lands Commission (CSLC) has reviewed the above-referenced Draft Environmental Impact Statement for the Northern and Eastern Colorado Desert Plan. For land tenure adjustment purposes, the Bureau of Land Management identifies that it will seek to acquire CSLC's lands within the three proposed Desert Wildlife Management Areas according to scheduled priorities. These DWMA's are the Chemehuevi, Chuckwalla and Joshua Tree. The CSLC already has over a hundred thousand acres of school lands remaining within the boundaries of the California Desert Conservation Area targeted to be acquired by the BLM under the California Desert Protection Act. The CSLC holds these school lands in trust for the benefit of the California state Teachers' Retirement System. BLM proposes to accomplish the newly proposed acquisitions through purchase, donation, or exchange. The CSLC would consider the exchange of its lands, on a case by case basis, within the DWMA's after appropriate appraisal of the surface and mineral estates are completed and if determined that disposal of these lands would be in the CSLC's best interest. For clarification purposes, the CSLC would not be in a position to donate its school lands to the federal government. Therefore, acquisition would need to be accomplished through purchase or exchange with exchange being the preferred method of the CSLC. The BLM is reminded that the CSLC is prohibited from disposing of its mineral estate under direct sales. From the maps provided with the NECO plan, we could not determine the total number of State school land parcels or acreage that the BLM may seek to acquire within the DWMA's. More detailed maps and a list identifying these lands would be helpful. Has the BLM compiled such a map or list? The NECO plan also identifies that the BLM will not be pursuing the acquisition of CSLC lands within the Habitat Wildlife Management Areas (HWMAs). It is unclear whether or not there are any CLSC lands within these areas? IF there are, has the BLM generated a list of the CSLC's lands within the HWMAs that will not be acquired by the BLM? (California State Lands Committee, Sacramento, CA – #C82)

**PC #: 135****Public Concern: The BLM should conduct and publicly disclose a Level 1 contaminate survey for every proposed land exchange prior to implementation.**

For every BLM land exchange and acquisition, a Level-I Contaminate Survey must be conducted. Where is the Survey for the acquisitions proposed in this DEIS? Please include the survey (a complete one please) in the recirculated DEIS that you must prepare before amending the CDCA Plan. (Preservation/Conservation Organization, Desert Center, CA – #C87)

## **Soil, Water, and Air Quality Resources**

**PC #: 136****Public Concern: The CDCA Plan Amendment should establish guidelines for evaluating the significance of soil sedimentation impacts resulting from natural and unnatural disturbances.**

Guidelines need to be developed to help determine if perceived impacts are significant or insignificant. All measures of perceived impacts should be compared to natural levels of activities over the course of time to test for significance. A significant difference (sense of magnitude required) must be required before a perceived impact can be identified as significant. For example, the lack of adequate policy and implementation of fire management practices has lead to many catastrophic fires. The sedimentation resulting from these fires should be measured and compared to all OHV activity in the forest. The results will demonstrate that the rate of sediment resulting from fires is thousands of times that of all OHV activity in the forest. The determination of the natural rate of sedimentation over the course of time will also demonstrate that the natural rate of sedimentation is many times that of all OHV activity in the forest. These are examples of the sense of magnitude and big picture view that must be exercised when evaluating impacts in the document and decision-making. (Recreational Organization, Helena, MT – C#296)

Identifying Causes of Surface Disturbance. Please identify all causes of surface disturbance and explain how BLM is able to distinguish between those that are natural (e.g., wind) and those that are not (e.g., OHVs). (p. 2-19).

(Recreational Organization, San Diego, CA – #C168)



**PC #: 137**

**Public Concern: The Final EIS should include the Cadiz water development project in its cumulative effects analysis.**

Chapter 1, p. 11 Section 1.7 – Current Planning in the Region does not mention the Cadiz water development project. This should be included in the analysis of cumulative effects. (U. S. National Park Service, Oakland, CA – #C68)

**PC #: 138**

**Public Concern: The BLM should prohibit roads and vehicle use in river washes.**

I would like to see that river washes be protected from automobile use or road use. (Individual, Ferndale, CA – #C49)

**PC #: 139**

**Public Concern: The CDCA Plan Amendment should include flexible provisions to accommodate California State Department of Fish and Game's water development projects.**

The development of planned waters, as currently listed, may be subject to change as additional data is collected on populations and the need for fewer or additional waters is determined. The Department does require some degree of flexibility for the construction, placement, and timing of future developments and requests that this be stated in the document. (California State Department of Fish and Game, Bishop, CA – #C96)

**PC #: 140**

**Public Concern: The BLM should protect and restore aquifers, springs, and natural water sources as well as historic guzzlers.**

BLM should focus on protecting and restoring the aquifers, springs and natural waters in the desert and on maintaining the guzzlers that were historically present. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 141**

**Public Concern: The BLM should coordinate the maintenance of guzzlers with private organizations.**

For years the Palo Verde Valley Rod and Gun Club and Ducks Unlimited have built and maintained the water guzzlers located about this desert area to water and protect the very animals you are shutting them off from. The roads you are closing are going to prevent this from happening in the future. You, meaning the BLM and Fish and Game, admit that you don't have the personnel to maintain these guzzlers, yet you are determined to see that no one else can. Where is the sanity in your plans? (Individual, No Address – #C149)

**PC #: 142**

**Public Concern: The Final EIS should include supporting data for the conclusion that OHV use negatively impacts water sources.**

Water Sources. The EIS suggests that OHVs have adverse impacts on water sources used by wildlife in the NECO Planning Area. (p. 2-43). Please identify: (1) all vehicle routes within 1/4 mile of natural or artificial water sources, and (2) all data showing that OHVs impede or otherwise impact animal use of either natural or manmade water sources. (Recreational Organization, San Diego, CA – #C168)

**PC #: 143**

**Public Concern: The Final EIS should include supporting data for the conclusion that OHV use negatively impacts soil.**

Soil Damage from OHV Use : The EIS makes repeated but vague references to soil damage caused by OHVs. (See, e.g., , pp. 4-39 – 4-40). Please identify all data showing that OHVs damage desert soils, including soils found in

wash areas. Please provide data showing that any such soils impacts have resulted in: (1) significant soil loss or erosion, (2) adverse effects on vegetation, (3) damage to wildlife, or (4) any other environmental impact. (Recreational Organization, San Diego, CA -#C168)

**PC #: 144****Public Concern: The Final EIS should include supporting data for the conclusion that Areas of Critical Environmental Concern improve air quality.**

One of the reasons the BLM wants to acquire and close off more land in the Chuckwalla Bench, including the Chocolate Mountains Aerial Gunnery Range (which is already closed off to the public and included to give the public a warm fuzzy feeling that BLM is doing its job), is the recovery of the desert tortoise. This area, in its present condition, does the exact opposite. The Draft EIS boldly declares the designation of approximately 1,684,248 acres of Federal land as ACECs would improve the air quality but provide zero analysis to support this claim. Where are air quality monitor stations in the Chuckwalla Bench located? (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 145****Public Concern: The Final EIS should evaluate the cumulative air quality impacts caused by the transportation of garbage across BLM land.**

Kaiser's RR slices through the heart of the Chuckwalla Bench ACEC as well as critical desert tortoise habitat in a number of areas along the line. What will be the effect of the air quality when 12, one mile long double stacked garbage cars chug through the Chuckwalla Bench? We especially would like to know the cumulative air quality impacts involving said RR as well as the bombing range. The DEIS preparers might say, "Well there is an approved EIS on the Eagle Mountain dump that included Kaiser's RR right-of-way." The only problem with that answer is the Eagle Mountain EIS only analyzed stationary sources at the dump site, not mobile sources. Thus, the onus of air quality analysis to amend the CDCA Plan is on this EIS. Diesel trains chugging uphill full of LA's garbage decomposing along the way will most definitely have a significant negative air quality impact. Further, do not beguile readers of this EIS by stating the garbage will be transported in locked, sealed containers. The lock is any old padlock the railroad would use and the seal is merely a plastic strip around the local that must arrive to the dump site unbroken to ensure the garbage was not tampered with en route. The rail cars (as well as the proposed 200 trucks/day) cannot be air tight or water tight for they would be rolling time bombs from the methane generated with decomposing garbage. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 146****Public Concern: The BLM should install monitors to evaluate air quality impacts caused by military bombing exercises.**

Monitors should be located near the Kaiser RR where it runs inside the live bombing range. The military conducts exercises there on a continuous basis. Analysis needs to be undertaken to determine the impact to air quality. We watch the military release magnesium flares that vaporize and drop to the ground at night time. They drop bombs so intensely some times we can feel them 25 miles away. What pollutants are being released in the air? (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 147****Public Concern: The Final EIS should include more extensive data on air quality conditions and contributing factors within the NECO Planning Area.**

The EIS fails to include adequate data on the existing air quality conditions within the NECO Planning Area. The EIS should, but does not, indicate how many days per year the Planning Area itself is in "non-attainment" for PM(10), nor does it identify the receptor sites showing PM(10) exceedances. Among other things, the EIS should state how much distance lies between these receptor sites and the areas with moderate to heavy OHV use. In addition, the EIS should identify the data which support the claim that mining operations, OHV use and grazing "are largely responsible for the excesses of both the National and State PM (10)" AQS in the Planning Area. (p. 3-1). Without such data, the statement is a bare, unsupported conclusion, and is inadequate under NEPA. OHV Impacts on Air Quality . To what extent are the Planning Area's PM(10) levels attributable to causes other than OHVs?



What is the OHV contribution? What technical studies support these conclusions? (p. 3-1, 3-3). What is the OHV contribution to the Planning Area's ozone levels? What technical studies support this conclusion? (p. 3-3). (Recreational Organization, San Diego, CA – #C168)

**PC #: 148**

**Public Concern: The BLM should protect air quality by limiting all local pollution sources.**

The DEIS states visibility is easily impaired by activities which generate dust (especially fine particulates such as PM10) and sulfur dioxide, and that local pollution sources in the desert consist of particulate matter from off-road vehicles, windblown soils, mining operations, and agricultural activities. When you claim to enhance air quality you will limit off-road and recreational activities. While we agree that limiting areas to off-road use is an important part to restoring/recovery strategy, it is not the only impact that needs to be limited. Realizing that lands administered by the BLM include recreational as well as development interest, only one interest is being satisfied. The BLM gives a blank check to developers to defile our public lands then the public must make up for their impacts by giving up recreational opportunities. (Preservation/Conservation Organization, Desert Center, CA – #C87)

In spite of documented effects of off-highway vehicles, mining, and grazing increasing the level of particulates in the air, and in spite of the fact that the Northern and Eastern Colorado Desert (NECO) are a non-attainment air quality area for particulates (Ch. 3, Pgs 1, 3), BLM still is compromising too many times in favor of vehicular recreation and other particulate-producing activities in the area. The health of people living in the area is being compromised by continued allowance of vehicular "recreation" in particular (and particulate). What is BLM doing to help bring the NECO area into compliance with particulate standards for air quality? By even considering competitive vehicle events, for example, BLM is adding to the problem, not helping to solve it (this is admitted in the Plan/EIS by BLM at Ch. 4 Pg. 52: "Competitive off-road vehicle activity has the potential to produce airborne particulate matter (PM10), especially if events are conducted in areas where soils are susceptible to erosion. NECO Planning Area is in a Federal and state non-attainment area for PM10 and CO events would further contribute to these pollutants." BLM should, at the very least, not provide for any competitive race routes in the plan area. BLM should also look at what levels of particulates in the air would occur at varying levels of off-highway vehicle activity, using actual and modeled data. And BLM should be part of the solution to the particulate (PM10) problem in the planning area, rather than encouraging activities that contribute to it. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 149**

**Public Concern: The Final EIS should outline the potential air quality benefits of the Preferred Alternative.**

Potential Air Quality Benefits of Preferred Alternative: Please quantify the PM(10) reductions to be expected with this alternative. Please identify the data or air quality study showing that these reductions will likely occur. (p. 4-51). Further, please provide quantitative data regarding CO and ozone emission reductions to be expected once the proposed OHV restrictions are imposed. (p. 4-52). (Recreational Organization, San Diego, CA – #C168)

## **Vegetation/Rangeland Management**

**PC #: 150**

**Public Concern: The BLM should clarify the existing NECO vegetation map by indicating specific resources within the planning area.**

Resource Mapping Guideline : Each allotment management plan will contain a vegetation map, indicating key areas, range fencing, range improvements, sensitive species information, cultural resources, and other features of concern .Basis for Guideline : "The first step in an inventory program involves the development of a vegetation map" (Holechek, 1998). In order to manage, one must know the resources. In looking at the allotment management plans, all include data on the number of acres of key species, which are often organized by pasture, but no indication of where those resources are. Most of the AMP's already contain a map of range improvements. These data need to be collected into one information database (GIS). These data will help to refine the existing vegetation map (Map 3-3) in the areas where allotments occur. (Preservation/Conservation Organization, Sacramento, CA – #C93)



**PC #: 151**

**Public Concern: The BLM should make additions to the vegetation map for NECO to clarify unmapped ranges and discussion of text.**

Ranges for the following are not mapped on Maps 3-7a-d, and would be helpful for understanding the text discussion: *Astragalus lentiginosus* var. *borreanus* (Borrogo milkvetch), *Carnegis gigantea* (Saguaro), *Cryptantha holoptera* (Winged cryptantha), *Opuntia wigginsli* (Wiggin's cholla), *Penstemon albornarginatus* (White-margined beardtongue). (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 152**

**Public Concern: The BLM should continue the data collection of plant communities and vegetation within NECO to use as future baseline information.**

CNPS would like to congratulate BLM on the degree to which detailed information about plant communities and unique habitat has been systematically collected. In assessing the accuracy of the GAP map (Appendix H), CNPS participated in the sampling of over 850 random points in various vegetation types. We urge the BLM to maintain the data collected at these points and use them as baseline information. CNPS could cooperate with BLM to sample additional points in order to “fine tune” the map, fill in missing information, with the goal of being able to quantify the accuracy of the final map and use the information to aid future monitoring projects. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 153**

**Public Concern: The CDCA Plan Amendment should protect and maintain the 30 special status plant species within the NECO planning area.**

CNPS supports the maintenance of the 30 special status plant species and maintain proper functioning condition in all natural communities with special emphasis on communities that a) are present in small quantity, b) have high species richness and c) support many special status species. We applaud the recognition of the interrelatedness of biotic and abiotic elements. (Preservation/Conservation Organizations, Sacramento, CA – #C93)

**PC #: 154**

**Public Concern: The CDCA Plan Amendment should address the decline in biodiversity and eliminate or minimize the need for further listings.**

CNPS supports the goals of the Draft NECO plan to “arrest the decline in biodiversity and eliminate or minimize the need for further listings” (Ch 1, Pg. 1), “implement the ‘Rangeland Reform ‘94’ initiative” (Ch.1, Pg. 2), and “provide recovery of the desert tortoise” (Ch.1, Pg. 1), which is a keystone species for the California deserts. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 155**

**Public Concern: The Final EIS should address unique features that provide critical plant habitat.**

Certainly those unique features that provide crucial habitat for certain species should not be ignored. If Joshua Trees are not dominant but are present, they should be planted at densities that reflect pre-disturbance conditions, or some baseline comparative site. The Key to the Vegetation Alliances of the Mojave Desert Vegetation Mapping Project identifies a *Yucca brevifolia* alliance as “[*Yucca brevifolia*] need only exceed 1% cover in the tallest layer (3 meters or taller) to make the alliance definition.” By this definition, the proposed “revegetation” that would not include Joshua trees because they only provide 1% cover and are not dominant, and the restoration project could be more correctly called a type conversion. The low percent requirement (30%) for proposed for cover is unacceptable to CNPS. In the Manual of California Vegetation (1990), the range in cover of perennial species in the Mojave desert is 5-27% (figures for the Sonoran Desert are slightly higher 6.7-34%). To reestablish only 30% of that cover in the Mojave would mean cover of 1.5-8%, which bring into serious question the viability of keeping soils in place and establishing ecological functions. (Preservation/Conservation Organization, Sacramento, CA – #C93)



**PC #: 156**

**Public Concern: The BLM should monitor ecosystem health as it pertains to vegetation.**

Ch. 5, Pg. 5, CNPS strongly supports monitoring of ecosystem health as it pertains to vegetation as a continuous high priority. We look forward to using our MOU with the BLM for collaborative opportunities to pursue this type of monitoring. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 157**

**Public Concern: The BLM should provide evidence that off-highway vehicles cause appreciable vegetation loss either in open wash areas or in adjacent areas outside the wash, and evidence of any other environmental impact.**

OHV Impacts on Wash Vegetation: Provide evidence that OHVs cause appreciable vegetative loss either in open wash areas or in adjacent areas outside the wash. (p. 4-13). Soil Damage from OHV Use: The EIS makes repeated but vague references to soil damage caused by OHVs. (See, pp. 4-39 – 4-40). Please identify all data showing that OHVs damage desert soils, including soils found in wash areas. Please provide data showing that any such soils impacts have resulted in (1) significant soil loss or erosion, (2) adverse effects on vegetation, (3) damage to wildlife, or (4) any other environmental impact. (Recreational Organization, San Diego, CA – #C168)

**PC #: 158**

**Public Concern: The BLM should provide evidence supporting the Draft EIS assertion that off-highway vehicles negatively impact the desert environment in a number of ways.**

Few Vegetative Impacts from OHV Use: The EIS states that “the low-level, dispersed recreation use in the Planning Area results in a relatively low impact to habitats and rare plant species.” (p. 4-13). Given this statement, why does the NECO Management Plan propose an additional 18% reduction in open OHV routes? (p. 4-13). OHV Route Impacts on Vegetation: Provide evidence supporting EIS assertion that OHVs and other vehicles: Introduce and spread exotic plants, alter surface water flow and percolation, cause losses of vegetation due to associated camping routes. Further, provide evidence that the introduction and proliferation of exotic plants is a significant problem in areas used by OHVs. (Recreational Organization, San Diego, CA – #C168)

**PC #: 159**

**Public Concern: The BLM should provide evidence that off-highway vehicles have significantly affected vegetation and justify the need for any further restrictions on off-highway vehicle routes.**

Natural Vegetative Communities : According to the EIS, the “existing planning environment provides a relatively high level of protection of natural communities.” (p. 4-9). This raises questions as to the need for further restrictions on OHV routes and open play areas. Please explain. OHV Impacts on Desert Chenopod Scrub: Provide the evidence, if any, that OHVs have significantly affected Desert Chenopod Scrub in the MUC I areas referenced on p. 4-10. OHV Impacts on Playa Vegetative Community: Identify the evidence showing that OHVs have a significant adverse effect on the Playa Vegetative Community. Identify evidence showing that OHV impacts on the Playas have contributed to the overall decline of this vegetative community, if such a decline has been observed. Identify evidence that the OHV impacts on the Playa Vegetative Community are interfering with the viability and reproductive success of that community. (p. 4-10). (Recreational Organization, San Diego, CA – #C168)

**PC #: 160**

**Public Concern: The BLM should provide data which supports the EIS assertion that off-highway vehicles are responsible for significant losses of vegetation cover which negatively impact sand dunes.**

Dune Recovery and Vegetative Cover . Please provide the data which support the EIS assertion that “Sand dunes are slow to recover if the scant vegetative cover is disturbed.” (p. 3-26). What data show that OHVs are responsible for

significant losses of vegetative cover or for retarded dune recovery. (p. 3-26). (Recreational Organization, San Diego, CA – C#168)

**PC #: 161****Public Concern: The BLM should explain and provide supporting technical data on the connection between surface disturbance and exotic species proliferation.**

Surface Disturbance Contribution to Spread of Invasive and/or Exotic Plant Species . At page 4-56, the EIS states that: “Various measures to reduce surface disturbances will aid in combating the spread of exotic species.” However, the EIS fails to explain the causal connection between surface disturbance and exotic species proliferation. Please provide such an explanation, complete with supporting technical data. Also, please address whether surface disturbance may also aid the reproductive processes of native and/or sensitive plant species, and whether such species would be adversely affected if beneficial surface disturbance was reduced through the Preferred Alternative. Please support your response to this query with technical data. (Recreational Organization, San Diego, CA – #C168)

**PC #: 162****Public Concern: The BLM should evaluate the impacts of proposed water developments to vegetation, and consider locating water developments in plant communities that are not regionally unique.**

Ch.4, Pg. 63. CNPS is concerned over the proposed addition of 106 waters and the effect of increasing the populations of deer and sheep on the native vegetation, which will be their forage. Because this issue is not addressed in the document, we cannot assess the impact that this increase in waters would have on vegetation. Evaluation of the impact needs to be based on quantitative monitoring data on the effects of existing waters to the adjacent vegetation types. Furthermore, we recommend that additional waters be located in plant communities that are not regionally unique. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 163****Public Concern: The Final EIS should clarify enclosure considerations for natural water sources within the NECO planning area.**

Appendix A, Map 2-22 – Map legend indicates that enclosures will be considered for natural water sources inside grazing leases. The rarity and precarious balance of “proper functioning condition” would then suggest all natural water sources in the desert should have adequate enclosures. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 164****Public Concern: The Final EIS should work to improve all springs and seep developments to meet conditions of natural processes and functions.**

Appendix B, Regional Guidelines, 2nd bullet —Protection should not be the end goal of spring and seep development; rather, any “development” should have as a goal improvement of the condition of the natural processes and functions. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 165****Public Concern: The CDCA Plan Amendment should protect and restore riparian areas and other sensitive habitats.**

Protect and restore the riparian and other sensitive habitats. (Individual, El Sobrante, CA – #C119)

**PC #: 166****Public Concern: The Final EIS should scientifically justify the proposed action to maintain perennial plant utilization at or below 40 percent.**

Chapter 2, p.17 —The NECO plan needs to scientifically justify the proposed action to maintain perennial plant utilization at or below 40%. (U.S. National Park Service, Oakland, CA – #C68)



**PC #: 167**

**Public Concern: The BLM should consider proposed vegetation criteria presented by the California Native Plant Society.**

CNPS continues to propose success criteria as follows: Sustainability – the vegetation should maintain/replace itself over time. The vegetation should not be dependent on artificial water, fertilizers, or labor (weed removal, etc.). A requirement for recruitment of viable propagule production might be a way of getting part of the sustainability. Resistance to exotics – disturbance often lends itself to exotics getting a “root-hold”. A healthy ecosystem will resist invasion in the absence of disturbance. Nutrient retention – keeping most nutrients in the cycle & not having them “leak” off-site. In the desert of course this still means that most nutrients are tied up in the plant material, but that sufficient biomass in different age stands and vegetation types (annual/perennial) be present to initiate/maintain nutrient cycling. Full complement of biotic interactions – mycorrhizal associations reestablished, soil crusts reestablished, pollinators present, soil movers (ants, etc.) present. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 168**

**Public Concern: The Final EIS should include annual plants as part of the restoration and vegetation process.**

Additional needs as part of restoration plans should include annuals as part of a successful revegetation process. They are an important biomass constituent in desert, especially in certain years and should be addressed. Re-establishing an annual seed bank is a necessity, for resisting exotics and providing successional abilities during catastrophic events. These could be monitored as a seed bank. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 169**

**Public Concern: The Final EIS should reflect the pre-disturbance conditions and maintain diversity in the restoration and vegetation process.**

Any restoration project should reflect the pre-disturbance conditions. We all know areas in the desert that are rich in species diversity, and therefore tend to support a diversity of animal species. Maintaining diversity should also be a goal of the revegetation process. Conversely, we all know areas that are very species poor, ex. playas or alkali sinks. To require a minimum of 2 perennial species may not reflect the existing conditions prior to disturbance. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 170**

**Public Concern: The BLM should evaluate the potential for non-native plant species to occur in the planning area and management direction to follow if occurrence are reported.**

The following species are reported not to occur in the planning area, yet they are included on the table and some are mapped: *Acleisanthes longiflora* (Angel trumpet), *Croton wigginsii* (Wiggin’s croton), *Cryptantha holoptera* (Winged cryptantha), *Echinoceraus engelmannii* var. *howei* (Howe’s hedgehog cactus), *Pholisma sonora* (Sand food). CNPS appreciates that the full range of plant species are often not known, and that there is potential for them to occur in the planning area. We recommend that a discussion regarding potential occurrence appear in text for these species. Additionally, some treatment/adaptive management needs to be addressed for these species, if they are found to occur in the future, in the planning area. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 171**

**Public Concern: The BLM should consider allowing non-native plant species to exist within NEMO.**

Any plant species that can survive in the hostile desert environment should be allowed to live. They should not be destroyed by humans! (See Chapter 4, Page 16) – Noxious weeds and exotic plants are found along roads and at disturbed sites, implying humans are responsible for their introductions. At the BLM 5/2/01 NECO meetings, we



were told that Coachella Valley Milkvetch exotic, noxious weeds or endangered species, native to this area of the desert? You know the answer! They are obviously NOT native to the area covered by this plan. Why isn't the BLM trying to find out where this species came from. I suspect they are plentiful in their native environment. (Individual, La Jolla, CA – #C150)

**PC #: 172****Public Concern: The Final EIS should address the impact foot travel and equestrians have on the spread of noxious weeds within the desert.**

Motorized recreation is not the only contributor to the noxious weed problem. In fact, the mechanisms for transport of noxious weeds is greater for other visitors including hikers, equestrians, and visitors with llamas than it is for motorized recreationists. These transport mechanisms include hair, fur, manure, shoes, and fabrics. The smooth metal and plastic surfaces on vehicles do not have a surface texture that will pick up and hold noxious weeds seeds. Additionally, motorized recreationists practice the "Wash your Steeds" policy. However, restrictions for concerns associated with noxious weed are only placed on motorized recreationists. The document must make a fair evaluation of all sources that contribute to the noxious weed problem including hikers, mountain bikers, and equestrians. The document must also fairly evaluate how natural processes and wildlife spread noxious weeds. The travel plan document must include a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should be applied impartially to all visitors. (Recreational Organization, Helena, MT – #C296)

**PC #: 173****Public Concern: The BLM should close areas to vehicle traffic in order to prevent the spread of weeds within the desert.**

As far as the milk vetch on Rice Road is concerned, now the BLM has just stated that the milk vetch came into Rice Road, they think, by vehicle traffic. Now, if that's the case, why did they close Glamis to vehicle traffic because Glamis vehicle traffic now is closed on 50,000 acres? If vehicle traffic brought the milk vetch, a weed, here, then vehicle traffic in Glamis would spread it to other areas. It's a weed; it spreads like a weed. (Individual, No Address – #C170)

**PC #: 174****Public Concern: The CDCA Plan Amendment should acquire lands to preserve the Coachella Valley milkvetch and take measures to maintain all process necessary to sustain this plant community.**

Although we support the acquisition of private and SLC lands to conserve the Coachella Valley milkvetch, we recommend that the acquisition of lands be based on assuring the maintenance of the Aeolian and fluvial processes that are necessary to sustain the milkvetch. Furthermore, no route closure is proposed in the areas adjacent to the milkvetch locations off of Highway 177, despite the identification of impacts by vehicle use in the description of Table 3-5 (Ch. 3, Pg. 20). (Preservation/Conservation Organization, Sacramento, CA – #M93)

**PC #: 175****Public Concern: The BLM must strive to eradicate non-native weed species, including Coachella milkweed, to protect desert areas and natural resources.**

A repeated determination throughout your DEIS is what significant damage is realized with the introduction of non-native weed species. We agree this is a huge problem, and are extremely concerned about this in Joshua Tree's wilderness areas surrounding the proposed mega-dump, that BLM facilitated. The BLM took a huge risk that will serve to destroy the resources in one of our Nation's premier National Parks. Now, we see the BLM, with this document is willing to impact the boundary of Joshua Tree near Rice Road (Hwy 177) by closing off more land to the public near the Lily Preserve because of the Coachella Milkweed. This is a weedy species that will impact the resources of the Park if not eradicated before it gets out of control. It hitchhiked here, is not indigenous to the Chuckwalla Valley, and does not support the determination to close land off to the public. The public's interest would be better served by the BLM if it would protect the land in the Coachella Valley where the species belongs. If the species has been wiped out by development interest in the Coachella Valley, then transplant populations should



be harvested from the Chuckwalla Valley before eradicating it from our area. Species (plant & animal) transplantation seems to be a common mitigation practice. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 176**

**Public Concern: The BLM should evaluate methods of controlling tamarisk other than burning.**

Appendix B, Regional Guidelines, 7th bullet – Fire exacerbates tamarisk encroachments, so it should be deleted from the discussion about controls for tamarisk. Tamarisk can effectively controlled only by cutting, herbicidal applications, removal, and monitoring (sometimes necessitating repeated control measures. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 177**

**Public Concern: The BLM should require all visitors to contribute fees for weed abatement programs.**

OHV owners as part of their vehicle registration contribute \$1.50 to a noxious weed abatement program. Non-motorized visitors do not contribute to any weed abatement program. The travel plan document does not have a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should recognize the minor impact that OHV's have on the noxious weed problem and also credit OHV visitors for contributing to a program to control noxious weeds. (Recreational Organization, Helena, MT – #C296)

**PC #: 178**

**Public Concern: The BLM should prioritize funding for land acquisitions for areas with unique plant communities.**

Ch. 2, Pg. 43. We support the mitigation of those unique plant communities that include Desert Dry Wash Woodland, Desert Chanopod Scrub, Sand Dune and Playa communities at 3:1. We strongly recommend that funding be prioritized for acquisition of the same community that is proposed for disturbance, and that enhancement and rehabilitation be a secondary priority, when all acquisition opportunities have been exhausted. This recommendation is based on the fact that enhancement/rehabilitation efforts are much more expensive than acquisition of undisturbed plant communities, and the quality of enhanced/rehabilitated areas are typically less than undisturbed plant communities. (Preservation/Conservation Organization, Sacramento, CA – #M93)

**PC #: 179**

**Public Concern: The CDCA Plan Amendment should eliminate the Parker 400 racecourse to protect vegetation and plant species.**

Ch. 2, Pg. 62, #1. CNPS supports the elimination of the Parker 400, because it runs through *Pholistoma auritum* var. *arizonicum* habitat (note, *Pholistoma* spelled wrong on Map 3-7c) and goes through 6 “blocks” of high plant species richness (Map H-2), 7 “blocks” of medium richness, and 6 “blocks” of low species richness. We would suggest re-routing this event through more “blocks” of low species richness. (Preservation/Conservation Organization, Sacramento, CA – #M93)

**PC #: 180**

**Public Concern: The CDCA Plan Amendment should protect portions of the Lazy Daisy Allotment to preserve the only occurrence of the Mojave Pinyon/Juniper Woodland species in the NECO planning area.**

Regarding the Lazy Daisy cattle allotment, the preferred alternative (Ch. 4, Pg. 56) the only occurrence of the Mojave Pinyon/Juniper Woodland (1,928 acres) in the planning area is in the “sky island” of the Old Woman Mountains. CNPS strongly supports that a portion of this regionally unique plant community be withdrawn from grazing. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 181****Public Concern: The Final EIS should clarify proposals for the Rice Valley allotment within the NECO planning area.**

The cumulative impacts section (Ch.4, Pg. 57) indicates that the Rice Valley allotment will be eliminated under the preferred alternative. This appears to be inconsistent with other sections of the preferred alternative, where the Rice Valley allotment is proposed to be reduced, but not eliminated, and therefore may not accurately reflect the cumulative true impacts. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 182****Public Concern: The CDCA Plan Amendment should close Palen, Rice Valley and Ford Dunes and playas to motorized vehicle access and grazing to protect sparse and unique vegetation.**

Ch. 4 Pg. 63. We support the closure of the Palen, Rice Valley, and Ford dunes and playas to motorized vehicle access (and grazing in the case of Rice Valley). Dune (62,000 acres) and playa (8,700 acres) vegetation, while sparse, are unique habitat types that cover less than .003% of NECO the 5.5 million acres planning area. Field trips to Rice Valley dunes have brought to our attention possible ancient stands of *Ephedra sp.* in this habitat type. Under the Preferred Alternative, nearly all of the Ford and Palen playa and dunes are wholly incorporated into the WHMA's. (Preservation/Conservation Organization, Sacramento, CA – #M93)

**PC #: 183****Public Concern: The BLM should restrict camping to designated sites to reduce impacts to sensitive areas and vegetation.**

Ch. 2, Pg. 63. CNPS supports camping in designated camping areas in DWMA's and WHMA's to reduce any proliferation of camping areas along routes in these sensitive areas, which will minimize the impacts to vegetation. (Preservation/Conservation Organization, Sacramento, CA – #M93)

**PC #: 184****Public Concern: The Final EIS should separate grazing activities from the preservation of microbiotic crust.**

Appendix B, Regional Guidelines, 13th bullet – Grazing activities are mutually exclusive from the maintenance (i.e. preservation) of microbiotic crusts. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 185****Public Concern: The CDCA Plan Amendment should reduce burro populations to preserve many mesic plant communities within NECO.**

Ch. 2, Pg 46-49. CNPS strongly urges BLM to reduce burro populations to zero in the herd management areas within the NECO plan. Burros are not native to the area and cause substantial impacts to many mesic plant communities. CNPS supports the preferred alternative as it substantively reduces the HMA areas and burro numbers, however, BLM needs at a minimum to propose further reductions in burro numbers inside the WHMA's. (Preservation/Conservation Organization, Sacramento, CA – #M93)

**PC #: 186****Public Concern: The BLM should require management change in areas of heavy livestock use or multiple trails of hillsides to improve rangeland health.**

Evidence of multiples of trails to the same site (watering, feeding, or bedding sites), or multiple trails on hillsides requires management change by redistributing stock and/or lowering of stocking rate in the area (Balph & Malacheck 1985, Belknap 1995, Fusco et. al. 1995) Basis for Guideline : One indication of health is the absence of visible evidence of multiple livestock trails. Cattle tend to utilize "open-space" (non plant covered) more frequently than plant covered (Balph & Malacheck 1985). When vegetation/soils are repeatedly impacted in the same "open areas", terracing of hillsides and elimination of native forage around watering site occurs. These changes in the



natural processes effect successional and other ecological processes (nutrient/water cycling) (Belknap 1995). Often these disturbed areas are prime for establishment of exotic invasive and poisonous plants (Fusco et al. 1995). (Preservation/Conservation Organization, Sacramento CA – #C93)

**PC #: 187****Public Concern: The Final EIS should clarify the use of the Standards and Guidelines for Rangeland Health.**

PEER is particularly concerned about the Standards and Guidelines for Rangeland Health. Although the regulations promulgated in 1995 (43 CFR 4100) require each state to adopt State or Regional Standards and Guidelines for maintenance and improvement of rangeland health, there is no indication in the DEIS that the State has done this. Instead, we are given Standards and Guidelines recommended by the State Advisory Committee for NECO that are to be adopted pending approval of any alternative in the DEIS, a clear statement of State/Regional Standards adopted by the State is needed to assure the DEIS is in compliance. It is stated (p. 206) that overall health will be assessed on a landscape or watershed basis. How is this to be done? How much of a landscape or watershed must be affected, say by rilling or by low plant production, for those conditions to apply to the entire landscape or watershed? That is, what will be the threshold for the application of any of the health indicators to characterization of the landscape or watershed? As you know, the National Research Council's Rangeland Health, considered recognition of thresholds between health classes to be an especially difficult problem. How will NECO address this problem? Since the glossary defines "landscape scale" as an "area of interacting ecosystems where patterns are repeated because of geology, soils, climate, biota, and human influences throughout the area," it will be necessary for you to specify sampling frequency and density in order to characterize the landscape in terms of its state of health. Since all rangeland health evaluation schemes require comparison of particular attributes with conditions in a reference area, it is necessary for you to specify suitable areas and cite the available baseline information that will be used for comparison. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 188****Public Concern: The Final EIS should clarify Rangeland health and existing standards relevant to the NECO planning area.**

Interpreting Indicators of Rangeland Health (2000), cites 17 indicators without specifying attribute classes and rates them by five classes (Extreme, Moderate to Extreme, Moderate, Slight to Moderate, and None to Slight). It is not clear how the BLM will actually characterize the health of a landscape or a watershed. p. 8. It is stated that "During prolonged drought, range stocking will be reduced to scientifically based carrying capacity, based on climatic conditions." What standards, based on what scientific information, exist relevant to NECO? It is further stated that "Grazing activities will support biological diversity across the landscape, and native species and microbiotic crusts are to be maintained." Maintenance of microbiotic crusts precludes grazing of any area containing them. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 189****Public Concern: The CDCA Plan Amendment should implement the proposed Standards and Guidelines for Rangeland Health with additional science-based recommendations.**

CNPS supports the Standards and Guidelines for Rangeland Health in the Preferred Alternatives as an improvement over the "fallback" standards, however, we support additional science-based recommendation for guidelines as follows: General Utilization Guideline : The utilization level of key species will not exceed 35% on ranges that are grazed during the dormant season and are meeting standards. Ranges that are grazed during the active growth season and are meeting standards will not exceed 25% utilization of key species (Holechek et. al. 1998) Basis for Guidelines : The most recent data indicates that utilization levels of key species in the "true desert (Mojave)" with annual precipitation of 4-8 inches should not exceed 25-35% for moderate grazing (Holecheck et. al. 1998 – Table 8.7). these data requires a reduction of the 50% utilization of key species as specified in the Fallback guidelines, and a reduction of the 40% utilization as identified in the biological opinion for those allotments in critical desert tortoise habitat. The higher 35% rate is appropriate for ranges in good condition and only grazed during the dormant season. The 25% rate is appropriate for range in poor condition and grazed only during active growth. The flexibility of this utilization rate can be applied to areas within allotments. Holechek's guidelines are adopted in Rangeland Health



Standards and Guidelines for California and Northwest Nevada Final EIS (USDI-BLM 1998) Enclosure Guideline : All allotments will have at least one enclosure of appropriate size for each key area (portion of the range, which because of its location, grazing/browsing value, and/or use, serves as an indicative sample of range conditions, trend or seasonal use [Society for Range Management, 1989]. Basis for Guidelines: "Enclosures on key grazing areas can be useful in separating climatic from grazing influences (Holechek et al. 1998). Each allotment should have an enclosure of appropriate size in key areas. The appropriate size and shape should be determined based on spatial distribution of species, edge effects, etc. – these considerations are addressed in Elzinga et al. (1998). Only with enclosures can a comparison between stock-grazed and stock-ungrazed areas be quantitatively assessed. I know that there are maintenance/liability problems with enclosures, and here's where I have several suggestions. Maintenance of enclosures can be identified as the responsibility of the permittee by the Taylor Grazing Act (Sec. 315c). It is to the benefit of the permittee to have a quantifiable scientific "control" area to compare grazing intensity, which will indicate if management status is appropriate. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 190****Public Concern: The Final EIS should provide appropriate reference to the National Research Council's Rangeland Health Evaluation Matrix.**

No appropriate reference to the National Research Council's Rangeland Health Evaluation Matrix is provided. It is noteworthy that the NRC (Table 408) cites 12 indicators for three classes of ecosystem attributes (Soil Stability and Watershed Function, Distribution of Nutrient Cycling and Energy Flow, and Recover Mechanisms) and rates them by three loosely-defined classes (Healthy, At Risk, and Unhealthy). By contrast, the DEIS cites 26 indicators for four ecosystem attributes and provides no rating system. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 191****Public Concern: The Final EIS should evaluate closing the desert to grazing to preserve vegetation.**

The enclosed desert mariposa lily was photographed near the Willow Springs Canyon (north part) in late April. Cattle were present. In a ten-acre search I found only one such lily. Cattle eat everything that looks good —flowers, grasses, other plants. Deserts cannot support cattle and should not be burdened with them. (Individual, Keller, WA – #64)

**PC #: 192****Public Concern: The BLM should develop and adopt a fire management plan.**

Chapter 2, p. 10, Objective B – Action 8 proposes to suppress all wildfires in grazing allotments. The NPS suggests that a fire management plan be developed, which in part should address collaborative benefits to be gained when the BLM and NPS are jointly managing fire in this area. (U.S. National Park Service, Oakland, CA – #C68)

## **Threatened, Endangered, and Sensitive Species**

**PC #: 193****Public Concern: The BLM should include provisions for recovery of listed species adjacent to NECO.**

Other listed species live in or in areas adjacent to the plan area yet their recovery is not considered. The final NECO Plan must include provisions for recovery of these species. The final NECO Plan and consultation should include the Yuma clapper rail, desert pupfish, and other species that may be affected. (Individual, Austin, TX – #C54)

**PC #: 194****Public Concern: The BLM should ensure the effectiveness of the NECO plan in recovering species at Chuckwalla Bench.**

The NECO Plan for within the Chuckwalla Bench in no way will help the recovery of any species as the proposed Plan claims. Acquiring land, and closing land off to the public while bombs burst, garbage trains roll, water canals



and flood berms remain in tact is a profoundly ludicrous idea. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 195****Public Concern: The Final EIS should contain concrete language reflecting a commitment to protect sensitive species and natural resources.**

Ch. 2, Pgs. 42-43 – The phrase “shall be strongly considered” is used in several places on these two pages; specifically, when discussing actions that are meant to protect and enhance habitat for bats, prairie falcons, golden eagles, Couch’s spadefoot toad and natural and artificial water sources. This phrase does nothing to protect these resources. If there is good evidence that these actions need to be taken then that commitment should be made even if some specific caveats need to be put on these actions. Please change this phrase to reflect a commitment to protect these resources. (California Department of Fish and Game, Bishop, CA #C96)

**PC #: 196****Public Concern: The BLM should examine predation as a cause for the decline of sensitive species.**

As to the endangered species the Northern & Eastern Colorado Desert Coordinated Management Plan is supposed to protect, one needs to look at a more than man’s impact, if indeed, it is adverse. The common predator to the Desert (Peninsular) big horn sheep is the cougar or mountain lion, not man. Both cohabit the same desert areas and both are protected animals. How do you resolve this situation? Are you going to tell the cougar that it cannot kill and eat any more big horn sheep? How are you going to stop it? The natural predator for the desert tortoise is the raven, not man. The ravens eat the young tortoise as they are hatched each year. How do you propose to control the Raven? The natural predator for the Fringe-toed lizard is the roadrunner. The roadrunner is also a protected bird. How are you going to prevent the roadrunners from eating the lizards? The natural predator for the endangered plants is the wild donkey, deer, big horn sheep, and wild horses who eat them for food. How are you proposing to stop these animals from eating? (Individual, No Address – #C149)

**PC #: 197****Public Concern: The BLM should conduct an Environmental Impact Report to analyze and mitigate the impacts on California state-listed species.**

Ch. 2 Pg. 15, # 11 – The Department does not agree that, for projects less than 100 acres in size, provisions of the Plan adequately provide for avoidance, minimization and mitigation for impacts to state-listed species. Therefore, an Environmental Impact Report (EIR) may be required, under the California Environmental Quality Act (CEQA), in order to first analyze the impacts of the project on state-listed species and then develop avoidance, minimization and mitigation measures. If the project, as described in the EIR, will result in the take of a state-listed species, then a California Endangered Species Act (CESA) permit will be required by the Department from the project proponent. (California Department of Fish and Game, Bishop, CA – #M96)

**PC #: 198****Public Concern: The BLM should prove the effectiveness of mitigation measures used to protect special status species.**

Mitigation is often unproven. At Ch. 2 Pg. 41, the Plan/EIS states the “impacts of proposed projects in suitable habitat within the range of a special status species and within natural community types shall be mitigated using commonly applied mitigation measures.” Can you document that these “commonly applied” procedures work? Is there any guarantee that they will be carried out and within what period of time? Mitigation delayed is too often mitigated denied. And many mitigation measures have been notorious for their lack of success. Before relying so heavily on mitigation measures for special status species, BLM needs to prove that they are going to work. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 199**

**Public Concern: The BLM should ensure that the designation of 1% new surface disturbance in Desert Wildlife Management Areas is not detrimental to sensitive species.**

Ch. 2, Pgs. 19-20 – Objective B – Management Actions within DWMA – The action to “limit cumulative new surface disturbance on lands administered by Federal agencies within any DWMA to 1 percent of the Federal portion of the DWMA” and as discussed in Appendix G is not analyzed from a biological perspective anywhere in the document. The 1% figure appears to be an arbitrary number, which would be acceptable if it were justified from an analysis of possible impacts to desert tortoise and other sensitive species and habitats within the DWMA. However, this is not done and therefore leaves open the possibility of a large scale project or many small ones having a detrimental affect, through fragmentation, and edge effects on what we are purporting to protect in these DWMA. (California State Department of Fish and Game, Bishop, CA – #C96)

**PC #: 200**

**Public Concern: The BLM should ensure that Desert Wildlife Management Areas are large enough to protect sensitive species.**

The DPC favors the BLM’s Preferred large Alternative over the other three alternatives offered in the Draft Management Plan, but finds that it falls short of the protection for threatened and sensitive species such as the Desert Tortoise, the Coachella Valley milkvetch and the Flat-tailed horned lizard. Even the large proposed DWMA are too small and are not realistic in their implementation. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 201**

**Public Concern: The BLM should disclose data identifying the effects that vehicle parking and camping have on sensitive species.**

Vehicle Parking Impacts . What effects have vehicle parking and camping had on the desert tortoise, Coachella milk vetch or any other sensitive species? (p. 2-25). Identify the technical studies which demonstrate these effects. (Recreational Group, San Diego, CA – #C168)

**PC #: 202**

**Public Concern: The BLM should develop a stronger monitoring program for species populations with disease problems.**

The monitoring plan (Ch. 5) needs to more closely monitor the health status (i.e., disease occurrence and trends) of populations with disease problems, such as desert tortoises and bighorn sheep. Military operations also need to be monitored for their effects. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 203**

**Public Concern: The CDCA Plan Amendment should include a thorough list of special status species.**

There is a veritable laundry list of special status species whose range are within the Planning area for the CDCA amendment, all listed in the EM EIS:- DESERT PUPFISH: A federal and state listed endangered species. Observed approximately 1/4 mile south of Kaiser’s Eagle Mountain railroad (Kaiser RR) trestle in a tributary of Salt Creek, and surveys report the species is present throughout Salt Creek. Of particular interest is that this species could be wiped out with the planned construction/repair of the railroad. The railroad has been reactivated with the approval of the EM EIS. – COOPERS HAWK: A California Species of Special Concern. Year-round ranges in the Eagle Mountains, with the central part of the Kaiser RR passes through an area of winter-range.- PEREGRINE FALCON: A federal and state listed endangered species occurring in the Eagle Mountains, access roads, and Kaiser RR. – YUMA CLAPPER RAIL: Federally listed endangered species and state listed threatened species occurring in the Salt Creek area north of Kaiser RR. – BLACK-TAILED GNATCATCHER: A California Special Animal by CDFG, observed near Kaiser & Eagle Mountain roads, and Eagle Mountains. – YELLOW-BREASTED CHAT: California species of Special Concern occupy habitats in Eagle Mountains. – AMERICAN BADGER: California Species of



Special Concern in Eagle Mountains, and highly likely to occur along Kaiser RR.- YUMA MOUNTAIN LION: Observed in Eagle Mountains and on farms in Desert Center, 1995-1996 CDFG even tagged a few at Eagle Mountain. One must question the thoroughness of your EIS having disregarded the above list of special status species, what else have you “forgotten”? (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 204**

**Public Concern: The Final EIS should incorporate reasonable measures to ensure public access to BLM lands and protect sensitive, threatened, and endangered species.**

The Final Plan needs to incorporate sound and reasonable measures that will ensure public use and access of federal lands administered by BLM and protect threatened, endangered and sensitive species and their habits within the NECO 5.5 million acres planning area. (Individual, No Address – #C18)

**PC #: 205**

**Public Concern: The BLM should reevaluate its use of road closures and other vehicle restrictions as a tool for protecting sensitive, threatened and endangered species.**

Desert Tortoise, Coachella Milk Vetch, and Proposed Wash Closures . Please explain how the desert tortoise and/or Coachella milk vetch (“CMV”) will benefit from closing the washes or further restricting OHV use within those washes. (p. 2-21). What technical/biological evidence supports the need for the additional wash closures and restrictions. What benefit to the desert tortoise or CMV is derived from prohibiting vehicle parking and camping beyond 100 feet from the centerline of an approved travel route within DWMA’s? (p. 2-21). What technical/biological data support the need for this restriction? (Recreational Organization, San Diego, CA – #C168)

**PC #: 206**

**Public Concern: The BLM should facilitate adaptive management strategies by developing and instituting a tracking system to tabulate development versus restoration on public lands.**

Because there is no time frame established for the implementation of many of the actions proposed in the NECO Plan, this new 1% surface disturbance could theoretically happen in a relatively short span of time. This, in turn, might not allow sufficient time for recovery actions to take affect for the desert tortoise. The Department suggests that, as part of the Adaptive Management program, thresholds be developed and a tracking system be instituted to tabulate development vs. restoration on public lands, so as to insure that development not get too far out in front of restoration. The Department can assist in development of a tracking system. (California State Department of Fish and Game, Bishop, CA – #C96)

**PC #: 207**

**Public Concern: The BLM should set a survey schedule for listed plants and the Southwestern willow flycatcher and Least Bell’s vireo.**

BLM must set a survey schedule for listed plants and the Southwestern willow flycatcher and Least Bell’s vireo. (Individual, Austin, TX – #C54)

## **Floral Species**

**PC #: 208**

**Public Concern: The BLM should do more to emphasize methods specific to ensuring perpetuation of special status plant species.**

Special status species are mostly neglected in the Plan/EIS, except as they may incidentally benefit from measures planned for bighorn sheep, deer, and desert tortoises. Either BLM should adopt a true ecosystem approach to the planning area (which it has not; see Appendix I, “Science Panel Report,” section 3) or more needs to be done to

ensure the perpetuation of the special status species in the planning area, including designation of protective areas for special status species. Many of these species have a significant proportion of their populations outside of areas such as DWMAs, WHMAs, and Joshua Tree National Park (Appendix N). (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 209****Public Concern: The BLM should maintain ownership of all public lands that have sensitive plant species.**

Ch. 4, Pg. 12. Under the no-action alternative it indicates that several plant species occur on “unclassified” lands that are proposed for disposal into private ownership. CNPS strongly supports maintaining all public lands that have sensitive plant occurrences on them in public ownership. Additionally, areas for acquisition should include occurrences of sensitive plant species on private lands, from willing sellers. These actions need to be included in the final document as they support the conservation goals for the species. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 210****Public Concern: The Final EIS should disclose technical data supporting the assertion that Conservation Zones will benefit all but three special status plants “to a very high degree.”**

Benefits to Special Status Plants in Conservation Zone [U]. Please provide technical support – including quantitative data – for the EIS statement that the Preferred Alternative’s Conservation Zones would benefit all but three special status plants “to a very high degree.” Further, please describe the increase of such benefits as compared with the benefits available under the No Action Alternative. (Recreational Organization, San Diego, CA – #C168)

**PC #: 211****Public Concern: The Final EIS should disclose technical data supporting the assertion that OHV use has negative impacts on the Coachella Valley milk vetch.**

OHV Impacts to Coachella Valley Milk Vetch[U]. Identify all data showing that OHV use has negative impacts on the Coachella Valley Milk Vetch. What studies support EIS conclusion that OHV use in the Coachella Valley and Chuckwalla Valley has disrupted this species? (p. 3-20) (Table 3-5). (Recreational Organization, San Diego, CA – #C168)

**PC #: 212****Public Concern: The Final EIS should include survey data on the milk vetch.**

Milk Vetch Population Survey Data[U]. The EIS makes reference to milk vetch survey data but fails to provide such data. This omission should be corrected. In addition, please explain the age of the data and how it was obtained. (Recreational Organization, San Diego, CA – #C168)

**PC #: 213****Public Concern: The BLM should seasonally exclude sensitive plant species habitat from grazing until studies show impact does not occur.**

Sensitive Plant Guideline : Locations of sensitive plant taxa will be excluded from grazing during times of year when the plants are present until studies with exclosures show that no impact to the plants occur from grazing. The studies will be based on peer-reviewed scientific data. Basis for Guidelines : “Livestock grazing . . . is particularly harmful to plants, affecting 33% of endangered plant species compared to 14% of endangered animals.” (Wilcove et al. 1998). In California, 225 rare threatened or endangered plants are known to be “threatened by grazing.” (Painter 1995). Over 135 populations of sensitive plant species have been reported on CDD grazing allotments. Monitoring data on most of these sensitive plant populations within the CDD is lacking. Protection of these sensitive species is the most efficient way implementing BLM’s mandate under the ESA to keep sensitive species from being listed. As you know, CNPS has initiated surveys to relocate populations of sensitive plants. In the spring of 1998 (and El Nino year), of the 25 targeted populations, sixteen were relocated, and three untargeted (new) populations were located.



Although these data are not conclusive evidence that sensitive plant populations are declining in the CDD and that grazing is the exclusive cause of a decline, we support a rational approach to conservation until scientific research is completed. (Preservation/Conservation Organization, Sacramento, CA – #C93)

**PC #: 214****Public Concern: The BLM should protect endangered plant species by reducing cattle grazing.**

Cattle grazing causes excessive harm and destruction to the land. Since the area that you are trying to protect harbors endangered plant species, it is essential that grazing be reduced to the extent possible in order to save these plants. Protection of biodiversity should be of fundamental concern to an ecosystem management plan. While the suggestions of the preferred alternative are keenly attuned to the protection of biodiversity, if a 69% reduction of cattle grazing is possible, then it should be implemented. (Individual, North Adams, MA – #C130)

**Faunal Species****PC #: 215****Public Concern: The BLM should disclose technical data supporting the assertion that the Palen Dunes, Rice Valley Dunes, Ford Dunes, Pale Dry Lake, and Ford Dry Lake currently support populations of the Mojave Fringe-toed lizard.**

Mojave Fringe-Toed Lizard [U]. Identify the data or technical reports which show that the Palen Dunes, Rice Valley Dunes, Ford Dunes, Palen Dry Lake, and Ford Dry Lake currently support – or have supported in the past – populations of the Mojave Fringe-toed lizard. The EIS currently provides no such data. (Recreational Organization, San Diego, CA – #C168)

**PC #: 216****Public Concern: The Final EIS should disclose technical data supporting the assertion that OHV use has caused significant impacts to the Mojave Fringe-toed lizard.**

The EIS also includes no data showing that OHV use in these five areas has caused significant impacts on the Mojave Fringe-toed lizard. Without such data, there is no scientific support for recommending that these areas be closed to OHV recreation. (Recreational Organization, San Diego, CA – #C168)

**PC #: 217****Public Concern: The BLM should specify whether the Mojave Fringe-toed lizard is a threatened species, an endangered species, or a species of concern.**

Is the Mojave Fringe-toed lizard threatened or endangered or a species of concern? If not, please explain why these five areas must be closed off? (p. 2-42). (Recreational Organization, San Diego, CA – #C168)

**PC #: 218****Public Concern: The Final EIS should include data showing that OHVs have negatively affected Couch's spadefoot toad populations or their viability.**

OHV Impacts to Couch's Spadefoot Toad Populations. Identify the data showing that OHVs have negatively affected Couch's spadefoot toad populations or their viability. Identify data showing that OHVs have destroyed water impoundment areas and vegetative debris that the toads use for protective cover. (p. 3-19). (Recreational Organization, San Diego, CA – #C168)

**PC #: 219**

**Public Concern: The BLM should indicate whether the Couch's Spadefoot Toad is a sensitive species or a species of special concern.**

Couch's Spadefoot Toad . At page 2-43, the EIS indicates that, under the Preferred Alternative, certain vehicle use will be restricted to protect the Couch's spadefoot toad. Please indicate whether this toad is a sensitive species or species of concern. (Recreational Organization, San Diego, CA – #C168)

**PC #: 220**

**Public Concern: The BLM should identify all routes that come within 1/4 mile of Couch's spadefoot toad habitat.**

Please identify all vehicle routes that come within 1/4 mile of locations where the Couch's spadefoot toad has been observed. (p. 2-43) (Recreational Organization, San Diego, CA – #C168)

**PC #: 221**

**Public Concern: The BLM should re-evaluate its use of road closures and other vehicle restrictions as a tool for lessening impacts to raptors.**

Contrary to common conjecture raptor reproduction does not seem to be affected by intermittent human incursion. Several different species appear to have no problem breeding and nesting even in the cultivated areas of Imperial Valley. Nests are regularly observed on power poles and other high structures and even in haystacks in apparent disregard of vehicular traffic. From one to four chicks have been successfully raised in these nests. Obviously, it is not suggested that any species of wildlife should be subjected to constant disturbances at any time, but an occasional passing vehicle does not preclude the successful propagation of raptors. I see no evidence to restrict travel within certain distances of power poles and raptor nests. (Recreational Organization, Brawley, CA – #C83)

**PC #: 222**

**Public Concern: The Final EIS should disclose information which makes the assertion that OHV races have negative impacts on the prairie falcon and golden eagle.**

Impacts on Falcons and Eagles . The EIS indicates that OHV races have negative impacts on the prairie falcon and golden eagle (p. 2-42). Please identify the data or technical reports which demonstrate that these impacts occur. (Recreational Organization, San Diego, CA – #C168)

**PC #: 223**

**Public Concern: The BLM should disclose information regarding the designation of "essential blowsand or sand source habitat" for the Fringe-toed lizard.**

Please identify the agency which has designated these five areas as "essential" blowsand or sand source habitat for the fringe-toed lizard. When was this designation made? Was it noticed in the Federal Register? (p. 2-42). (Recreational Organization, San Diego, CA – #C168)

**PC #: 224**

**Public Concern: The Final EIS should include a conservation strategy for the big horn sheep before guzzlers are constructed in their habitat.**

The document references a conservation strategy that will help ensure long-term viability of desert bighorn. This strategy is not presented within the NECO plan, so the reader cannot gauge its effectiveness or impacts. If such a strategy exists, and this plan in fact implements that strategy, then the strategy should be described and analyzed in full within the NECO plan. If not, then it is premature to authorize the construction of over one hundred guzzlers, including two dozen in wilderness areas, until such a strategy is developed, analyzed, and approved. (Preservation/Conservation Organization, Davis, CA – #C81)



**PC #: 432**

**Public Concern: The BLM should designate bighorn sheep migration corridors from Joshua Tree National Park onto BLM lands.**

The designation of bighorn sheep corridors from Joshua Tree National Park onto BLM lands (Ch. 3, Pg. 30) will be of great benefit in maintaining the gene flow for Park and BLM herds. (U.S. National Park Service, Twentynine Palms, CA – #C316)

**Desert Tortoise**

**PC #: 225**

**Public Concern: The BLM should revise the draft plan to more adequately address the plan's goal of recovering the desert tortoise.**

We are deeply concerned that the actions proposed in the draft NECO CMP/EIS are inadequate to the task of recovering the desert tortoise in the Northern and Eastern Colorado Desert Recovery Units. We urge the Bureau to revise the draft plan to more clearly address the plan's goal of recovering the tortoise. (Preservation/Conservation Organization, Riverside, CA – #C88)

**PC #: 226**

**Public Concern: The BLM should conduct more research on the Upper Respiratory Tract Disease afflicting the desert tortoise.**

More research needs to be done on the respiratory disease that is infecting the tortoise population. (Individual, Blythe, CA – #C12)

**PC #: 227**

**Public Concern: The Final EIS should disclose information on the relationship between OHV use and Cutaneous Dyskeratosis in desert tortoises.**

Causes of Cutaneous Dyskeratosis in Desert Tortoises . Please identify the known and suspected causes of cutaneous dyskeratosis in Desert tortoises. Identify the technical data/studies which discuss the causes of cutaneous dyskeratosis in Desert tortoises. (p. 3-7). Transmission of Cutaneous Dyskeratosis to Desert Tortoises . Please identify the known and suspected modes by which cutaneous dyskeratosis is transmitted to and among Desert tortoises. Identify technical data in support of this conclusion. (p. 3-7). OHV Impact on Cutaneous Dyskeratosis in Desert Tortoises . What evidence, if any, shows that OHV use contributes to either the cause or transmission of cutaneous dyskeratosis in Desert Tortoises? (p. 3-7). (Recreational Organization, San Diego, CA – #C168)

**PC #: 228**

**Public Concern: The Final EIS should disclose any information on the relationship between OHV use and Shell Necrosis in desert tortoises.**

Causes of Shell Necrosis in Desert Tortoises [U]. Please identify the known and suspected causes of shell necrosis in Desert tortoises. Identify the technical data/studies which discuss the causes of shell necrosis in Desert Tortoises. (p. 3-7). Transmission of Shell Necrosis to Desert Tortoises [U]. Please identify the know and suspected modes by which shell necrosis is transmitted to or among Desert Tortoises. Identify technical data in support of this conclusion. (p. 3-7). OHV Impact on Shell Necrosis in Desert Tortoises [U]. What evidence, if any, shows that OHV use contributes to either the cause or transmission of shell necrosis in Desert Tortoises? (p. 3-7). (Recreational Group, San Diego, CA – #C168)

**PC #: 229**

**Public Concern: The BLM should protect the desert tortoise from raven predation.**

The raven is the desert tortoise's worst enemy. The increasing desert raven population has got to have a great deal to do with the suspected decline in tortoise population. Ravens are large, powerful, relentless scavengers, and predators. They can daily cover vast amounts of desert in search of a meal. A juvenile tortoise is totally vulnerable

till he's at least 3, and then to a lesser degree till 5 or 6. To avoid ravens and other predators, moving at a tortoise's pace, for the first 5 or 6 years of life, has to entail a great deal of luck, along with millions of years of experience. After his shell has completely hardened he has an excellent chance of growing very old. Keeping the raven population down is the single most positive thing we can do for the desert tortoise. (Individual, Blythe, CA – #C111)

**PC #: 230**

**Public Concern: The BLM should remove ravens that prey on the desert tortoise through non-lethal means only.**

On page S-4 of the Summary of Alternatives Table, under the Preferred Alternative heading, you write: "Remove ravens that are known to prey on tortoise through selective shooting, or trapping and euthanization where there is evidence of raven predation in or within 1 mile of tortoise habitat." We are concerned with your proposal to protect the desert tortoise at the expense of the native raven population. Terminating one species to protect another seems rash and ecologically unsound. We prefer the alternative method suggested on the same page, under the heading Small DWMA "A" Alternative: "Ravens that are known to prey on tortoise may be removed through non-lethal means only." (Individual, North Adams, MA – #C130)

**PC #: 231**

**Public Concern: The BLM should facilitate desert tortoise recovery by eliminating livestock grazing from all desert Wildlife Management Areas.**

We applaud the proposed cancellation of the Chemehuevi ephemeral allotment. However, we are troubled that in contrast to the best available science, the preferred NECO approach is to maintain grazing within the Chemehuevi critical habitat unit on the Lazy Daisy allotment under guidelines laid out in the existing Biological Opinions. The 1993 and subsequent opinions were interim, not final. They were meant to suffice until the completion of the NECO plan and, like all scientific opinions, are subject to change as new data comes to light. Only one alternative, Small DWMA B, considers eliminating cattle grazing from the DWMA but this is done by a sleight of hand approach that simply involves drastically shrinking and redrawing the proposed DWMA to exclude the allotment. The Recovery Plan's recommendations on grazing clearly fall within the confines of what is reasonable and prudent, and should have been proposed as an alternative by the Bureau. The NECO preferred alternative does recognize that there is an unresolved conflict here and allows for voluntary retirement of the allotment "to devote habitat solely to the recovery of the desert tortoise." We propose that the Bureau consider an additional grazing alternative, that is to cancel all grazing allotments within desert tortoise critical habitat and use the considerable savings made by not providing new range improvements to buyout the lessee. (Preservation/Conservation Organization, Riverside, CA – #C88)

**PC #: 232**

**Public Concern: The BLM should limit desert tortoise recovery efforts to designated wilderness areas.**

We don't understand why there are special areas for the tortoise. Since the wilderness areas have such limited traffic it is hard to understand why they need more protection than that. (Individual, Blythe, CA – #C26).

**PC #: 233**

**Public Concern: The BLM should protect the desert tortoise by creating Desert Wildlife Management Areas of at least 1000 square miles.**

The draft NECO plan includes inadequate DWM's, not consistent with the Desert Tortoise Recovery Plan. DWMA's should be at least 1000 sq. miles. (Individual, Austin, TX – #C50)



**PC #: 234**

**Public Concern: The BLM should include the Catellus Property acquisition in its analysis of meeting desert tortoise habitat requirements.**

At page 1-6, the EIS indicates that BLM is in the process of acquiring a large tract of land from the Catellus company, and that such land will be preserved as protected Desert tortoise habitat. Please explain how this additional habitat affects the need for further restrictions elsewhere in the NECO Planning area. It appears that the Catellus property, when coupled with the hundreds of thousands of acres within the NECO Planning Area already preserved for the benefit of the tortoise, would provide ample habitat for this species. With the Catellus property on the rolls of protected lands, what further Desert tortoise habitat requirements remain unfulfilled. The EIS should discuss this issue, as it relates directly to whether the use restrictions contemplated by the Preferred Alternative are needed. (Recreational Organization, San Diego, CA – #C168)

**PC #: 235**

**Public Concern: The BLM should develop a tagging program for counting desert tortoises.**

To gain an estimate of the population numbered tags could be given out. When a tortoise is seen it could be tagged and location and size could be written down on a card. Then mailed in. (Individual, Blythe, CA – #C12)

**PC #: 236**

**Public Concern: The BLM should explain why the EIS includes few measures to keep the desert tortoise off heavily traveled highways and roads.**

Highway Mortality of Desert Tortoise : Explain why the EIS includes very few measures for keeping Desert tortoises off of heavily traveled highways and roads (e.g., fences and barriers). (Recreational Organization, San Diego, CA – #C168)

**PC #: 237**

**Public Concern: The BLM should protect the desert tortoise through proper maintenance of guzzlers.**

Tortoises have drowned in bird guzzlers. We know of no occasion where proper maintenance of bird guzzlers has occurred over the years. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 238**

**Public Concern: The BLM should protect the desert tortoise from the impacts of military activity.**

There are large sections of the desert locked up by the military. Two of the military closed areas that affect us are the Chocolate Mountain Aerial Gunnery Range, and the Yuma Proving Grounds. The CMAGR and the NECO make for a strange combination. The military's claim that they only use 1% near the center of the range is suspect at best. Anyone who has spent much time on the Bradshaw Trail and in Salt Creek, knows better. The proposed "Washes Closed Zones", in this area will be off limits to any occasional OHV use. Almost all of these washes flow out of the closed areas and directly onto the range. Once on the range they are subject to the militaries discretion, or indiscretion. There can be no doubt where the most negative impacts come from. A military bombing range, or the occasional 4-wheeler passing through? This situation could not be considered consistent, reasonable, effective, or fair. With a sizable tortoise population living on or near the range, would it be unreasonable to assume that at least a portion of the tortoise's suspected health problems could be attributed to the exposure of range activities, all very foreign to the average tortoises respiratory system? This not only seems possible, but likely. To have military activity rejected as being more detrimental to the desert environment, than the occasional desert visitor, would be hard to understand, but not surprising. There have been military activities in the past that no one will argue their impacts. (Individual, Blythe, CA – #C111)

**PC #: 239****Public Concern: The BLM should protect the desert tortoise by restricting camping to designated areas.**

The Preferred Action Alternative also fails the Recovery Plan by allowing camping for 100 feet on either side of an approved route of travel in a DWMA. The Recovery Plan accepts parking and camping in “designated areas” in DWMA’s as compatible with tortoise recovery. The Preferred Alternative is proposing “at large” camping at any site the public chooses. To create conditions more favorable to tortoise recovery, the BLM should propose and consider an alternative to limit camping in the DWMA’s to designated sites. A marker is all that is needed to indicate to the public where such sites are. (Preservation/Conservation Organization, Oakland, CA – #C167)

**PC #: 240****Public Concern: The Final EIS should include a comparative analysis of desert tortoise mortality rates in areas open to OHV use and in the protected areas.**

Mortality of Desert Tortoise – A Comparative Analysis : The EIS is inadequate in that it fails to compare Desert Tortoise mortality rates in the “open” areas against mortality rates in the “closed” or protected areas. Only such a comparison can demonstrate whether there is a need for additional protective closures. If, for example, desert tortoise mortality in the so-called protected areas is as high as it is in the open areas – largely because disease and raven predation cannot be controlled in either place – then one must question the entire orientation of the NECO Management Plan. The benefits to the desert tortoise seem slight when compared with the impacts to OHV recreational opportunities and public access. (Recreational Organization, San Diego, CA – #C168)

**PC #: 241****Public Concern: The BLM should account for populations of desert tortoises living in captivity when designating them endangered.**

The September 25th edition of “The Desert Sun” states, and I’ll quote, “More desert tortoise hatchlings than normal cracked out of their—out of eggs buried in the sand in captivity this year.” “We’ve been having more hatchlings this year than I’ve ever seen,” said Yvonne Sessums, adoption chairwoman for the California Turtle and Tortoise Club, Lower Desert Chapter. “For those reasons, people with captive tortoises are asked to keep adult males and females separate so they don’t breed,” said Kim Auckland, an animal care supervisor at the Living Desert, and the Secretary/Treasurer of the local Turtle and Tortoise Club. And I quote, “Anyone who sees a female tortoise lay a clutch of eggs is asked to destroy the eggs before they hatch.” The perfect way to keep the tortoise endangered. The Endangered Species Act states that any tortoise in captivity before the listing as threatened are exempt from the Act. All tortoises born in captivity after the listing fall under the protection of the Endangered Species Act. Wouldn’t those tortoise eggs be covered under the Endangered Species Act? Just how threatened is the desert tortoise? (Individual, No Address – #C4)

**PC #: 242****Public Concern: The Final EIS should list drought as an important cause of desert tortoise decline.**

Appendix N, Desert Tortoise “Wildlife History” – There are natural and anthropogenic causes of declines of desert tortoises. The account provided in the “Wildlife History and Wildlife/Plant Tables” (Appendix N) mentions only anthropogenic causes for tortoise population declines. Causes for declines should also include drought, as drought may be the most important cause, of at least the primary stressor, causing population declines. Peterson (1994) identified drought as the principle factor in population declines of tortoises in the eastern Mojave Desert. . . . (Individual, Philadelphia, PA – #C52)

**PC #: 243****Public Concern: The BLM should provide quantified data of desert tortoise takes.**

II. Tortoise – obvious inconsistencies, conflicting statements and questions: A. The DRAFT also addresses possible takes of tortoise due to other means such as: 1. Cattle 2. Big horn sheep 3. Other species 4. OHV use 5. Humans taking for pets. 6. Shootings. Where is the proof and quantified data? (Individual, La Jolla, CA – #C150)



**PC #: 244**

**Public Concern: The BLM should implement desert tortoise breeding programs to mitigate population decline.**

Crashed populations should be replaced with breeding program tortoises and studied. Breeding programs are very successful and are not being utilized as an effective mitigation method for population decline. (Individual, Glendale, CA – #C129)

**PC #: 245**

**Public Concern: The BLM should not allow environmental organizations to use the desert tortoise as an excuse to close public access to public lands.**

If environmental extremists (EE) were truly concerned about the desert tortoise, they would use their money for tortoise recovery rather than for attorneys with court actions to improperly force the public off their privately and publicly owned lands. The truth is they have a hidden agenda and are using the abundant desert tortoise as a tool to carry it out. This is dead wrong! Our Government (Federal, State and Local) should not allow a few EE to misuse our system this way. The desert tortoise remain hidden underground for 9 months each year, out of public view and with no resulting harm. (Individual, La Jolla, CA – #C150)

**PC #: 246**

**Public Concern: The BLM should prove that vehicle mortality and illegal collection harms the desert tortoise.**

Chapter 4 PG 59 States that closing some roads will benefit the tortoise through reduced vehicle mortality and illegal collection. We would like to see the report that shows the vehicle mortality and illegal collection harms the desert tortoise. (Recreational Organization, Victorville, CA – #C91)

**PC #: 247**

**Public Concern: The BLM should assess the impacts of desert tortoise fencing on other wildlife.**

The EIS fails to assess whether the desert tortoise fences along Hwy 40 and Hwy 10 will operate as barriers to other wildlife, thus interrupting intraspecies contact and reproductive success. This issue must be analyzed in the EIS. (p. 2-21). (Recreational Organization, San Diego, CA – #C168)

**PC #: 248**

**Public Concern: The BLM should present data justifying protection of the desert tortoise by closure of washes to OHV use.**

According to the EIS, "closure of washes to vehicles in some areas of the DWMAs will reduce tortoise mortality and crushing of burrows." (p. 4-59). Please identify all data which show that OHV use in the washes proposed for closure has resulted in (a) desert tortoise mortality or (b) damage to desert tortoise burrows. Without such data, the EIS has overstated its case for the Preferred Alternative. (Recreational Organization, San Diego, CA – #C168)

**PC #: 249**

**Public Concern: The BLM should protect desert tortoise habitat by requiring construction right of ways be shared with construction corridors and access roads.**

Appendix D, Northern and Eastern Colorado Desert Planning Area, Desert Tortoise Mitigation Measures p. 7-8, utilities. Construction of ROWs should require sharing of construction corridors, access roads. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 250****Public Concern: The BLM should protect desert tortoise habitat by eliminating the Johnson Valley to Parker ORV race.**

There are several other areas in which Alternative A is better suited to protect the desert tortoise and other species than is the Preferred Alternative. One of these is the elimination of the Johnson Valley to Parker ORV race which the Preferred Alternative does not call for. This specific should be added to the Preferred Alternative. (Individual, Davis, CA – #C135)

**PC #: 251****Public Concern: The BLM should examine the impacts to the desert tortoise by the introduction of contaminants into the environment by military activities.**

Mercury, iron, lead, selenium, copper, cadmium, are among possible constituents released into the environment that are far flung after explosion and vaporization. Please see attachment #7. This is a copy of an August 23, 2001 BLM California Press Release, urging hunters to use lead free, non-toxic shot when hunting on Public Lands. Will the military use “non-toxic” ordinances? Clearly the BLM recognizes the damage from lead introduced to the environment, so it is not such a big leap to recognize the hazards associated with a bombing range in an area the desert tortoise are dropping like flies! (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 431****Public Concern: The BLM should not install tortoise fencing along the Cottonwood section of the Joshua Tree National Park road.**

We do not support the small DWMA Alternative action of installing tortoise fencing (Ch. 2 Pg. 23, Table 2-7) along 60 miles of the Cottonwood section of the park road (recognized as a low-speed, low-traffic volume road). Although recommended in the Desert Tortoise Recovery Plan, this action would conflict with the National Park Service (NPS) Organic Act, the General Management Plan, and fragment habitat within the Park. (U.S. National Park Service, Twentynine Palms, CA – #C316)

## **Wildlife Management**

**PC #: 252****Public Concern: The BLM should develop a site-specific management plan to protect the Gila woodpecker.**

Gila woodpecker: The map for this species is in Appendix A, Map 3-6d (not Map 3-4d). Describe site-specific management actions that could be undertaken to benefit this species if monitoring indicates they are warranted, particularly: a) controlling or eliminating European starlings in desert-wash riparian and mesquite habitats; b) providing nest-boxes in established riparian and mesquite communities; c) controlling or eliminating salt-cedar in desert-wash riparian habitat and d) fencing the latter habitat and its water sources to exclude livestock and burros. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 253****Public Concern: The BLM should develop a site-specific management plan to protect the vermilion flycatcher.**

Vermilion flycatcher: Describe site-specific management to benefit this species, particularly: a) controlling or eliminating salt-cedar in desert-wash riparian habitat; b) fencing the latter habitat and its water sources to exclude livestock and burros and c); conducting spring cowbird trapping in desert-wash riparian habitat. (California Department of Fish and Game, Bishop, CA – #C96)



**PC #: 254**

**Public Concern: The BLM should develop a site-specific management plan to protect the willow flycatcher and the southwestern willow flycatcher.**

Willow flycatcher and southwestern willow flycatcher: Describe site-specific management to benefit this species that could be undertaken to benefit this species if monitoring indicates they are warranted, particularly: a) conducting spring cowbird trapping in desert-wash riparian habitat b) controlling or eliminating salt-cedar in such habitat; c) planting willows in washes and d) fencing desert-wash riparian habitat and its water sources to exclude livestock and burros. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 255**

**Public Concern: The BLM should develop a site-specific management plan to protect the Bendire's thrasher.**

Bendire's thrasher: Describe site-specific management actions to benefit this species that may be determined necessary through the adaptive management program. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 256**

**Public Concern: The BLM should develop a site-specific management plan to protect the Crissal thrasher.**

Crissal thrasher: Describe site-specific management to benefit this species that may be determined necessary through the adaptive management program. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 257**

**Public Concern: The BLM should develop a site-specific management plan to protect the LeConte's thrasher.**

LeConte's thrasher: Describe site-specific management to benefit this species that may be determined necessary through the adaptive management program. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 258**

**Public Concern: The BLM should develop a site-specific management plan to protect the yellow warbler.**

Yellow warbler: Describe site-specific management to benefit this species if monitoring indicates they are warranted, particularly: a) conducting spring cowbird trapping in desert-wash riparian habitat; b) controlling or eliminating salt-cedar in such habitat; c) planting willows in washes and d) fencing desert-wash riparian habitat and its water sources to exclude livestock and burros. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 259**

**Public Concern: The BLM should protect sensitive bat species by withdrawing from mineral entry all mines harboring significant bat roost populations.**

Alternative A calls for mines harboring significant bat roost populations to be withdrawn from mineral entry. I spent my time in the Yuma area censusing bat populations in mines and know this to be an important ecological component. Please adopt this provision for the Preferred Alternative. (Individual, Davis, CA – #C135)

**PC #: 260**

**Public Concern: The BLM should coordinate wild horse and burro herd management between the California and Arizona BLM offices.**

The Plan's proposals for Burro Management areas exemplifies BLM's apparent desire to plan in a vacuum. For years, Sierra Club pointed out that the proposed Wildhorse/Burro Herd Management Areas (W/B areas) were not understandable or manageable without coordinating with Arizona BLM, which administers BLM public lands on the California side of the Colorado River, where BLM indicates the herds concentrate around the water and vegetation.

The Plan does not call out that two of the three W/B areas are shared with Arizona BLM and that inconsistencies exist between the goals of Arizona and California BLM plans for the herds (in one case the Arizona plan calls for a significantly greater burro population than the California counterpart). Yet the Plan utterly fails to address this problem, instead proposing somewhat reduced areas and populations on the California side, which are clearly impossible to implement in view of the fact that: 1. the herds concentrate on the Arizona BLM land; 2. the Arizona BLM plans are inconsistent with the NECO Plan and 3. there has yet to be coordination between the two. At one point, the NECO Plan asserts that “developing a unitized program will help.” However, no such program is in place or mandated, nor has such a program, its feasibility and its environmental consequences been analyzed as required by NEPA. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 261**

**Public Concern: The BLM should fully analyze the impacts of wild horses and burros on wildlife.**

The Plan’s analysis of the current W/B areas fails to properly analyze the impacts of W/B use, instead stating that there would be no impacts IF the target populations were achieved. However, there is no foundation for this assertion in the Plan/EIS; moreover, it admits that BLM has never properly managed its W/B areas. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 262**

**Public Concern: The BLM should substantiate its counts of wild horses and burros.**

The BLM again fails to substantiate its counts of wild horses/burros. It has been shown that BLM counts are consistently low as compared to other agencies’ counts. Note that BLM acknowledged there were probably more burros in the East Mojave south of I15 than the 130 in BLM’s herd management plan at the time it became the Mojave National Preserve and there might be as many as 300. The National Park Service has since removed more than 2000 with probably as many still to go. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 263**

**Public Concern: The BLM should focus on mitigating the impacts of burros rather than restricting the access of recreational users.**

Burros are not native, and in no way should be treated as such. To my knowledge burros have absolutely no positive impacts. Unlike the casual desert visitor who will go out whenever they get the chance, and generally not in the summer, the burro is out there, in large numbers, 24-7. With the casual visitor, now and then you’ll find one intent on making a mess, or worse. These few, bad seeds, reflect badly on the rest of us. The burros on the other hand naturally make a mess, or worse, each and every one of them. They also can have a mean streak. It wouldn’t be surprising to discover the burro being responsible for the death of a large number of tortoises. I would say limiting the burro’s desert access and leaving us alone would be a more acceptable plan. (Individual, Blythe, CA – #C111)

**PC #: 264**

**Public Concern: The BLM should work with the National Park Service to eliminate burros from NPS land.**

Chapter 2, p. 47 – The NPS’s goals and management guidance for burros are to eliminate burros on NPS lands. Hence, burros entering NPS lands will be subject to removal actions. This information should be highlighted in the objectives for managing wild horses and burros, especially in regards to areas that are jointly managed by the BLM and NPS. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 265**

**Public Concern: The BLM should prevent burros from the entering the Picacho State Recreation Area.**

The Preferred/Large DWMA Alternative (2.4.2) , described in Chapter 2, Page 48, calls for combining the existing Chocolate/Mule Mountains HA and Cibola-Trigo HA into one HA and HMA designated by the “Chocolate/Mule



Mountains” name. The “HMA” boundary would exclude lands managed by California State Parks within Picacho State Recreation Area, as well as lands within the Chocolate Mountains Gunnery Range, and property owned by the U.S. Fish and Wildlife Service. A burro population of 121 will be managed in the remainder of this HA. As these lands are adjacent to the excluded lands, it can be expected that burros within the HMA will freely wander onto the excluded lands. Particularly since the excluded lands provide the primary access for burros and other wildlife to water along the Colorado River. This continuing impact is exactly what we ask to have eliminated. (California Department of Parks and Recreation, Borrego Springs, CA – #C166)

**PC #: 266****Public Concern: The BLM should support the development of a cooperative interagency management agreement allowing California state parks to manage wild burros within Picacho State Park.**

The Preferred Alternative, as presently described, is unacceptable to California State Parks. . . . There must be BLM support for the development of a cooperative interagency management agreement, in which State Parks would manage the removal of burrows from lands within Picacho State Recreation Area. (California State Department of Parks and Recreation, Borrego Springs, CA – #C166)

**PC #: 267****Public Concern: The BLM should facilitate public input in the protection of burros and wild horses by performing a Programmatic Environmental Impact Statement on the national wild horse and burro program.**

The BLM’s historical piecemeal approach to wild horse and burro management is an abdication of the agency’s legal responsibility and highlights our dire need for a Programmatic Environmental Impact Statement (PEIS) on the national wild horse and burro program, something that has never occurred in the program’s 30-year history. Such an analysis would provide the public with the opportunity to scrutinize how its wild horses and burros have been and are currently being managed on its public lands and to offer input regarding the appropriate management and treatment for these animals. By declining to prepare a PEIS despite recent requests from nearly 60 animal protection and environmental organizations, the BLM has failed to fulfill its obligation both to wild horses and burros and to the public whom they belong. (Preservation/Conservation Organization, Jackson, WY – #C53)

**PC #: 268****Public Concern: The BLM should maintain Appropriate Management Levels of burros within Herd Areas.**

The preferred alternative proposes to combine the Chemehuevi and Havasu Herd Areas/Herd Management Areas (HAs/HMAs) into one Herd Management Area (HMA) resulting in a reduction of available wild burro habitat from 486,846 acres to 147,630 acres and an accompanying reduction in the AMLs from 150 to 108 wild burros. In addition, the preferred alternative will combine the Chocolate/Mule Mountains and Cibola/Trigo HA’s/HMA’s into one HMA, reducing the area from 422,598 acres to 223,542 acres and the AML from 212 to 121 wild burros. (DEIS Chap. 2, p.48) This action means that wild burros will lose more than a half a million acres of available habitat and AMLs will be reduced by 133 animals. The preferred alternative will reduce available habitat for wild burros in these HMA’s by 70% and 47% respectively. The respective AMLs are reduced by 28% and 43%. In addition, the DEIS states that the Piute Mountain HA where there are currently 37 wild burros has not be designated as HMA, therefore the AML for the HA is zero. (DEIS, Chap. 3, p.38) The BLM offers no supporting documentation for this conclusion other than to state that the intent of current management is that there be no wild burros in this area. Is there an existing land use plan or other document upon which this “intent” is based? Simply because a HA has not been designated a HMA is not justification for zeroing out an existing herd. Wild burros should be considered as valuable components of the biodiversity equation on our public lands and must be treated as such. Their total removal from HAs conflicts with wildlife management principles to protect such diversity and must be opposed. (Preservation/Conservation Organization, Jackson, WY – #C53)



**PC #: 269****Public Concern: The BLM should protect burros and wild horses by updating all Herd Management Area Plans.**

The Herd Management Area Plans (HMAPs) used to guide management of the Chemehuevi and Havasu HMAs (viz., the Colorado River HMAP and the Havasu HMAP) are 17 and 21 years old respectively. Likewise, the HMAPs for the Chocolate/Mule Mountains, Picacho and Cibola/Trigo HMAs (viz., the Colorado River HMAP and the Cibola-Trigo HMAP) are 17 and 21 years old respectively. None of these plans has been fully implemented. The HMAPs are incredibly outdated documents and are long overdue to be revised or rewritten. For example, an AML of 42 wild horses was established for the Picacho HMA in 1980 and yet wild horses appear to have disappeared from the HMA at about the same time the AML was set. (DEIS, Chap. 3, p.40) However, there are currently 45 wild burros in this HMA which overlaps the Chocolate/Mule Mountains HMA. The retention of this HMA for wild burros makes sense and forage allocations to accommodate their presence should be reflected in a corresponding increase in AMLs for the HMA. (Preservation/Conservation Organization, Jackson, WY – #C53)

**PC #: 270****Public Concern: The BLM should ensure that wild horses and burros are afforded the protections guaranteed under the Wild Free-Roaming Horse and Burro Act.**

Arguably, the BLM does not have control over how wild horses and burros will be managed on former BLM lands that have been transferred to the National Park Service (NPS). Nevertheless, the BLM must not abdicate its responsibility to ensure that the animals continue to survive on BLM lands and are afforded the protection to which they are legally entitled under the 1971 Wild Free-Roaming Horse and Burro Act (WFHBA). The BLM has a legal mandate to manage wild horses and burros as viable 'self-sustaining' populations of healthy animals in balance with other uses and with other resource values. New information pertinent to wild horse and burro population viability discussed at the 1999 Population Viability forum held in Fort Collins, Colorado indicates that although no standard goal for a genetic effective population size currently exists for wild horse and burro herds, a goal of  $N_e=50$ , which comes from domestic breeding guidelines can be conservatively applied. A total population size of about 150 animals might support only a minimum ( $N_e=50$ ) genetic effective population size. In fact, summary recommendations of the BLM Wild Horse and Burro Population Viability Forum recognized that smaller, isolated populations (<200 total census size) such as those affected in the DEIS are particularly vulnerable when the number of animals participating in breeding drops below a minimum needed level. Nothing in the DEIS addresses what this level is for the herds in question. (Preservation/Conservation Organization, Jackson, WY – #C53)

**PC #: 271****Public Concern: The BLM should facilitate free roaming of wild horses and burros to ensure conservation of genetic diversity.**

The AMLs proposed in the preferred alternative do not meet even the recognized minimum population size. In fact, only a tiny percentage of all wild burro herds contain viable populations, another glaring omission in the DEIS. Likewise, most wild horse herds have AMLs established below the 150 figure. While some herds are continuous and there is the possibility for genetic exchange, many HA/HMAs are fenced and cross-fenced in order to accommodate livestock, thereby preventing not only genetic exchange, but also free-roaming movement patterns. While the BLM often proposes the periodic introduction of breeding animals into herds as a means of addressing the problems associated with inbreeding (reduced reproductive success, reduced foal survival, reduced adult fitness and physical deformities), the DEIS does not address this issue whatsoever. Moreover, such artificial introductions conflict with the BLM's management mandate to ensure viable 'self-sustaining' populations of healthy animals. At a minimum, the BLM should be doing everything possible to conserve existing genetic diversity within wild burro populations. Significantly reducing wild burro habitat and AMLs as is proposed in the DEIS is antithetical to this fundamental management concept. The DEIS fails to analyze biological and behavioral impacts to wild burros in any of the alternatives; nor is there any discussion of the age and sex composition of the affected herds. The DEIS has simply failed to provide critical biological data about affected wild burro herds – information that the BLM needs to responsibly manage these herds and information that the public needs to determine whether management proposals are scientifically, legal and ethically defensible. (Preservation/Conservation Organization, Jackson, WY – #C53)



**PC #: 272****Public Concern: The BLM should ensure Herd Management Areas are principally managed for the benefit of wild horses and burros.**

The WFHBA specifically requires that herd use areas should be managed 'principally' although not exclusively, for wild horses and burros. Unfortunately, the BLM almost never heeds this mandate. For example, the DEIS indicates in areas managed for any combination of wild burros, deer and bighorn sheep, natural waters will be allocated to each species on an equal share basis. Yet allocations would be achieved through installation of exclosures that allow access to waters for deer and bighorn sheep and prevent access to wild burros. (DEIS Ch.2, p.33) Equal allocations of water have little meaning if wild burros are denied access. Likewise, there is no analysis in the DEIS of how fences proposed for construction to benefit bighorn sheep and livestock will impact wild burros. As our organizations are well aware, if wild burros exit their HMA in order to access water or forage, they are subject to removal. It would appear that the BLM is creating the very conditions for such a scenario, and wild burros, through no fault of their own, will potentially suffer the consequences. The desert bighorn sheep and desert mule deer strategies appear to be able to accommodate short hunting programs, but unable to accommodate the biotic needs of wild burros. This is unacceptable. (Preservation/Conservation Organization, Jackson, WY – #C53)

**PC #: 273****Public Concern: The BLM should ensure that the welfare of wild horses and burros is not superseded by the management of other uses.**

BLM Manual 1622.4 specifically deals with resource constraints needed for wild horse and burro management by requiring a listing by HMA of constraints that will be required on other resources used, both consumptive and nonconsumptive, to allow for herd management at the appropriate intensity. If anything, the BLM has turned this guidance on its head by routinely sacrificing the interests of wild horse and burros to nearly every other use (especially commercial livestock grazing and recreational sport hunting) even when it jeopardizes the welfare of wild horses and burros. Why, for example, would the BLM consider water developments and exclosures to benefit other species, but not consider the same for wild burros? While The Fund [The Fund for Animals] and API [Animal Protection Institute] are not advocating the installment of additional water developments, especially in order to artificially inflate the numbers of certain species (viz., bighorn sheep and mule deer) for recreational hunting purposes, such proposals reveal the preferential treatment given to certain species. Further, we are seriously concerned about the potential and real negative impacts on nongame species and the integrity of the ecosystem from the installation of guzzlers. In fact, many provisions within the DEIS are perfect examples of this seriously flawed institutional bias. (Preservation/Conservation, Jackson, Wyoming – #C53)

**PC #: 274****Public Concern: The BLM should reduce the Appropriate Management Levels of the three new Herd Areas in the NECO plan.**

The Department strongly supports the current reduction in AML for the three new herd areas identified in the plan. The Department also strongly encourages the BLM to maintain these levels and discourage any future increases in AML based on forage production. (California Department of Fish and Game, Bishop, CA – #C96)

**PC #: 275****Public Concern: The BLM should advance the natural biotic community along the Lower Colorado Region by removing burros from the Chocolate/Mule Mountains Herd Area.**

State Park staff have worked for a number of years in an attempt to eliminate the adverse environmental impacts of burrows on the natural and cultural resources and recreational facilities at Picacho State Recreation Area. We believe that the NECO Plan was the best opportunity to solve this long-term problem, and that it would be a vehicle to strengthen interagency cooperation in this area. We are extremely disappointed in the choice of a Preferred Alternative that would continue this damaging problem by maintaining a burro population in excess of one hundred animals immediately adjacent to the State Recreation Area. We have worked closely and diligently with staff from the Riverside, El Centro and Yuma BLM offices to solve this problem. In our view, only removal of all burrows from the Chocolate/Mule Mountains Herd Area, as described in Alternative 2.4.3, will significantly advance the



preservation and restoration of the natural biotic communities along the lower Colorado River Region. The provisions of the Preferred Alternative that would continue to permit burrow migration into Picacho SRA are unacceptable to California State Parks. (California Department of Parks and Recreation, Borrego Springs, CA – #C166)

**PC #: 276****Public Concern: The BLM should help wildlife by allowing vehicle access to water holes for maintenance.**

What about all the water holes that have closed to vehicle traffic. What will happen to all the wildlife that rely on this water when I cannot help repair and maintain these man made structures. To die of thirst seems to me to be very barbaric. (Individual, No Address, – #C125)

**PC #: 277****Public Concern: The BLM should protect wildlife by not expanding protected areas into bombing ranges.**

It is profoundly ludicrous to expand any kind of protected area into a bombing range, and I'll tell you why I think this is insane. Before they had the bombing range over there in the Chocolate Mountains in the '40s, antelope used to cross that area. They aren't there anymore. Unless the Bureau of Land Management has some kind of new scientific discovery to put armor on top of the bighorn sheep or the desert tortoise, they're going to get blasted. (Preservation/Conservation Organization, Desert Center, CA – #C169)

**PC #: 278****Public Concern: The BLM should protect wildlife by prohibiting new routes and individually analyzing routes to be left open within the NECO planning area.**

None of the alternatives adequately addresses motorized vehicular use or OHV use in the Plan area. It has been well established that roads are "sinks" causing mortality, avoidance and population depressions in wildlife, especially threatened desert tortoise. As outlined above, there should be no blanket opening of washes anywhere in the Plan. In addition, there is great redundancy of vehicular routes throughout the NECO area, so all new routes should be prohibited and all routes to be left open should be individually analyzed. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 279****Public Concern: The BLM should give preference to enhancing threatened and endangered species populations over game species populations.**

Huntability appear to be given preference over non-huntability species in BLM's goals for wildlife populations. At Ch. 3 Pg. 6, BLM states that "... BLM's goal is to maintain [my emphasis] viable populations of desert tortoise." At Ch. 3 Pg. 9, BLM states that "The Strategy's aim is to Ensure sufficient habitat quality and quantity to maintain and enhance (my emphasis) viable big game (including bighorn sheep) populations. ... Why are bighorn and other big game populations going to be enhanced (i.e., increased) through construction of more artificial waters (Ch. 4 Pg. 62, "increased population size will increase the viability of individual demes...") and desert tortoise populations are only going to be maintained? The Plan/EIS (Ch. 4 Pg. 29) itself admits that "Tortoise populations have declined precipitously in much of the California Desert, including some areas in the NECO Planning Area." Are desert tortoise populations going to be restored to pre-decline levels? They should be. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 280****Public Concern: The BLM should enforce all mitigation measures established to protect wildlife.**

The BLM makes several references that at some time the US F&WS will prepare Biological Opinions as necessary. Here is the problem with biological opinions. They only serve to facilitate a development through mitigation measures to decrease risk to wildlife, but are not enforced. For example, the Kaiser RR right-of-way grant was



approved through the provisions and mitigations of US F&WS Biological Opinion, that the BLM says is currently in violation. Both the BLM and the USF&WS exclaim that there just isn't the manpower to enforce the conditions and mitigations. For example, BLM is supposed to ensure that any flood control conduits must be constructed to be level with the ground to enable freedom of movement for the tortoise. Since 1998, this has not been complied with by BLM, US F&WS, or Kaiser. Some of the conduits are over six feet from ground level on one side, but easily accessible on the other. So, an unsuspecting tortoise walks through one end and plunges to it's death on the other. When will industry hold up its part of the bargain to protect desert resources from extinction?

(Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 281****Public Concern: The BLM should continue with broad scope protection for all species.**

We commend you for your broad scope of protection, which includes not only the desert tortoise, but other plants and animals in the area as well. Excluding our formerly mentioned concerns, we support the Preferred/Large DWMA Alternative as an inclusive and comprehensive management plan. (Individual, North Adams, MA – #C130)

**PC #: 282****Public Concern: The BLM should protect wildlife by restricting development and OHV use within areas that lack special management proposals.**

There are twenty-five areas within the planning region that do not yet have specific, adequate management proposals. We believe that BLM should not authorize any new development in those wilderness areas and should instead adopt policies to prevent motorized vehicles from entry as they irreparably destroy or damage habitat and even can directly kill animals as in the cases of desert tortoises being run over. (Individual, Paradise, CA – #C103)

**PC #: 283****Public Concern: The BLM should mitigate impacts to wildlife caused by chlorine delivery routes.**

Another area of fragmentation mentioned in the EIS are the All American and MWD aqueduct. What is not mentioned besides the fragmentation is the impacts incurred from the trucks delivering tons of chlorine into the waterways in the desert. Special roads are carved for 18 wheelers to take the chlorine and dump it into MWD's open aqueduct throughout the desert. No mention of the impacts from the trucks on the dirt roads, much less impacts from poisonous chlorine gas as well as spills at the dump stations. These dump stations are actually an attractant to wildlife because you can hear rushing water for a long time before you get to it. There are droppings from a variety of wildlife and birds around the dump stations we have observed in the desert. How can this be good for any wildlife, and what are the cumulative effects from this with other agency actions? (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 284****Public Concern: The BLM should protect native wildlife by not establishing new guzzlers in the NECO planning area.**

We are opposed to the establishment of new guzzlers in the NECO planning area. Over one hundred guzzlers already exist. More guzzlers would not serve the non-game wildlife. They would contribute to unnaturally inflating the population of burros and horses. The overpopulation of game can degrade the habitat for non-game wildlife. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 285**

**Public Concern: The BLM should disclose technical data supporting the assertion that long term vehicle travel within washes has caused soil loss, vegetative decline, and proliferation of exotic plant species.**

Alleged Benefits to Other Special Status Animals . At pages 4-60 – 4-61, the EIS states that “Positive impacts resulting from the closure of washes to vehicle travel include a reduction in the destruction of vegetation along banks where vehicles travel out of the wash bottom.” As is typical of the EIS, no data are provided to support this statement. For example, the EIS does not indicate the extent to which vegetation along wash banks has actually been affected by vehicle travel. No data is given and no technical studies or surveys are referenced. Therefore, it is impossible to gauge whether and to what degree the Preferred Alternative would actually improve conditions as they currently exist under the No Action Alternative. Please provide all evidence showing that long-term vehicle travel within the targeted washes has caused or contributed to: (1) loss of topsoil; (2) loss of soil “water storage” capacity; (3) loss of soil permeability; (4) vegetative decline; and (5) proliferation of exotic plant species. (Recreational Organization, San Diego, CA – #C168)

**PC #: 286**

**Public Concern: The BLM should re-evaluate its concern for the health of the Couch’s spadefoot toad.**

Another concern appears to be the health of Couch’s spadefoot toads. I can assure all that the toads are thriving quite well. During some recent storms many of the sandy washes were observed to be literally crawling with these little creatures. The change in climate appears to have had no detrimental effect. I also doubt that the occurrence of the minimal vehicular traffic in their habitat has presented even negligible damage. (Recreational Organization, Brawley, CA – #C83)

## **Human Environment, Recreation, and Travel**

### **Recreation and Access**

**PC #: 287**

**Public Concern: The BLM should ensure continued opportunities for multiple-use recreation within the CDCA.**

Managing our public lands for exclusive-use by a few people or non-use is not in the best interest of the public. There are limited public lands available. We need to manage those lands for maximum public benefit. Available uses should be maximized as required by NEPA so the life’s amenities for as many people as possible are maximized. (Recreation Organization, Helena, MT – #C296)

The DRAFT paints most Americans as being bad for our environment. I do not share this opinion! I strongly believe that most can live within our environment compatibly with all species – endangered, threatened or not. I believe most Americans do care about our environment. I believe it is wrong to take any species for no reason and likewise I believe it is wrong for Americans to be kept off our private and public lands for no good reason. I believe this DRAFT is doing just that. This is fundamentally wrong! (Individual, La Jolla, CA – #C150)

Recreation Impacts of the Preferred Alternative (Part II) . The EIS also states that: “Except for wilderness areas wherein casual motorized-vehicle use is prohibited, recreationists would be able to drive their vehicles within reasonable proximity to most public lands within the NECO Planning Area. Opportunities for recreation, therefore, would not be appreciably affected consequent to route designation.” (p. 4-73). Again, terms such as “reasonable proximity” and “not appreciably affected” cannot be assessed in the evidentiary vacuum in which the EIS was prepared. If the proposed route closures are implemented, those “recreationists” who are less physically mobile than others (e.g., children, senior citizens, disabled persons) will not be able to achieve “reasonable proximity” to the public lands they have enjoyed for so many years. Because they are not physically able to hike or walk long distances in the desert, they will be absolutely precluded from accessing those public lands where vehicle access has been eliminated. This impact is neither disclosed nor analyzed in the EIS. Moreover, this impact arguably constitutes a violation of the American’s with Disabilities Act (“ADA”) and the Civil Rights Act of 1964. Without an



assessment of the Preferred Alternative's compliance with the ADA and Civil Rights Act, the EIS is deficient. (Recreation Organization, San Diego, CA – #C168)

**PC #: 288**

**Public Concern: The Final EIS should outline mitigation measures to compensate when lands are withdrawn from recreation use.**

I am equally troubled with the philosophy that requires compensation for acreage that is converted to development, military, or government on five (or more) to one basis, yet when land is withdrawn from recreation access, there is no compensating mitigation. (Recreational Organization, Anaheim, CA – #C148)

A fair process would start with a comprehensive inventory of all existing motorized routes. Then, in order to avoid further cumulative loss and significant impact on motorized access and recreation opportunities, the travel plan process must include a preferred alternative based on preserving all existing motorized routes. Any significant negative impact associated with a specific motorized route would be the basis for an evaluation to close or keep that route open. The cumulative loss of motorized recreation and access opportunities in our public lands has been significant. In order to avoid further cumulative impacts, the closure of an existing motorized route would be offset by the creation of a new motorized route. (Recreational Organization, Helena, MT – #C296)

**COMPETITIVE OFF-ROAD ROUTES**

All new race routes will be eliminated from the NECO plan and you are removing or modifying two of them. Though they are not currently or heavily used, I think that removing them or heavily modifying them in this plan without a consideration or provision for additional competitive opportunities in the future, continues to limit the off-road enthusiasts' ability to recreate in the confines of the NECO plan. (Individual, Oceanside, CA – #C48)

**PC #: 289**

**Public Concern: The BLM should substantiate the claim that it is necessary to limit recreation access.**

Manageability. Ch. 4 pg. 41 of the No Action Alternative and Ch. 4 pg. 77 of the Preferred Alternative together summarizes a great deal of the feelings generated by this proposal. Your perception that the restrictions and limitations could be perceived as unfair and unreasonable and that such limitations will not substantially, if at all, benefit species and habitats are absolutely correct. Again you are correct, by assuming we will be unwilling to accept less than well substantiated rational, for these access limitations. I was unable to find anywhere in this document, anything that resembled a well substantiated rational. (Individual, Blythe, CA – #C152)

What evidence demonstrates that motorized recreation in the areas proposed for closure has actually damaged resource values? The EIS provides only unsupported conjecture on this key issue. (Recreational Organization, San Diego, CA – #C168)

**PC #: 290**

**Public Concern: The Final EIS should include an alternative to reopen areas that are proposed for closure.**

I care about the desert and wildlife because my family exposed me to it and taught me to care and love the land and creatures that live there. I learned a lot about the desert because of the good family times camping fishing and hunting. This is my livelihood and you can't close it off. If you close it – Then make sure there is a plan. with timeframes, to reopen these areas. (Individual, Blythe, CA – #C164)

**PC #: 291**

**Public Concern: The BLM should ensure recreation access to public lands in spite of private inholdings.**

Insure that access to trails is not blocked by private lands and that private landowners do not have special access privileges. Where private landowners have elected to block public access to public lands, the boundary between that landowner and public land should be closed to motorized access ("boundary closure"). Motorized access for the public on the public lands side should remain open to the boundary closure and the acquisition of public right-of-way should be pursued with the private landowner. Agencies should work to keep motorized access through private



land open to the public. In too many cases motorized access for the public through private land has been closed and not challenged or protected by asserting legal right-of-ways. The cumulative impact of this lack of action has created private motorized reserves on public lands or defacto wilderness/non-motorized areas. (Recreation Organization, Helena, MT – #C296)

**PC #: 292****Public Concern: The Final EIS should define “reasonable” with regard to providing alternative recreation access.**

Recreation Impacts of the Preferred Alternative (Part 1) . The EIS downplays the Preferred Alternative’s impacts on recreation and fails to support its conclusions with substantial evidence. At page 4-73, the EIS provides that: “The network of routes available for casual use as proposed under this alternative – which, in part is based on actions to recover the desert tortoise including the establishment of ‘washes closed zones’ in DWMA’s would provide reasonable access for both motorized and non-motorized recreational activities.” The first problem with this statement is that it does not identify which OHV routes are being eliminated to protect the Desert Tortoise and which ones are being eliminated to serve some other purpose. Further, the EIS cites no data showing that OHV use of the routes, slated for closure has had a significant impact (or any impact) on the Desert Tortoise. Unless, the EIS includes such information, it is impossible to conclude that the route closures are warranted. The second problem with the statement is that the term “reasonable” is not defined and is susceptible to varying interpretations. Further, what is “reasonable” is largely determined by what one gains and loses in the transaction. In other words, whether the amount of vehicle access under the Preferred Alternative is “reasonable” can only be determined by (a) the amount of protection gained for the Desert Tortoise, and (b) the amount of access lost to the public. Neither part of this equation is set forth in the EIS, rendering it impossible for one to determine whether the remaining access opportunities under the Preferred Alternative are “reasonable” or “unreasonable.” (Recreational Organization, San Diego, CA – #C168)

**PC #: 293****Public Concern: The BLM should improve availability and quality of public information regarding travel plans on public lands.**

Travel Plan maps should be made more readily available. Vending machines could be placed in areas that are accessible at any time of the day or week at Bureau of Land Management and Forest Service offices. All National Forest Service and BLM Travel Plan maps should be of the same format and easy to read. The Travel Plan map and Forest. Visitors map should be the same. All forest visitors need to clearly understand what areas, roads or trails are open for motorized travel and what areas, trails, or roads are closed to motorized travel. Current maps lead to misunderstandings from both non-motorized and motorized visitors. There needs to a standard signing convention that is more understood. For example, there are often misunderstandings about seasonal motor vehicle restrictions due to the “No” symbol with the actual closure period shown below in small text that is often not seen or understood. In this case, the road or trail is open except during the period below. There needs to be better coordination between adjoining National Forest and BLM lands when making maps, laying out trails, and establishing travel plans. Many times a trail is open in one jurisdiction but becomes closed when crossing over the boundary to another jurisdiction resulting in an overall loss of motorized recreation opportunity. (Recreation Organization, Helena, MT – #C296)

**PC #: 294****Public Concern: The BLM should use objective evidence to support land use decisions.****FORD DRY LANKE AREA**

Use of Anecdotal Evidence Regarding Ford Dry Lake : It is inappropriate and inadequate to base land use planning decisions on anecdotal evidence. How was the anecdotal evidence from BLM staff obtained and verified? How many people provided such evidence? How was it corroborated? Were OHV users questioned? Why was there no attempt to survey OHV users or obtain their “anecdotal” accounts to balance or confirm those given by BLM staff? (p. 3-49). (Recreation Organization, San Diego, CA – #C168)



**RICE VALLEY DUNES**

Rice Valley Dunes : Again, the use of anecdotal evidence from a single source (BLM staff) is inappropriate to support the EIS conclusion that the Rice Valley Dunes receives little OHV use. Further, as with Ford Dry Lake, use of Rice Valley Dunes will likely increase as the number and size of open free play areas continue to diminish as a result of BLM's policies. (p. 3-49). Rice Valley Dunes : There is no plausible reason why a survey of OHV use in this area – or some other form of valid inquiry – could not have been conducted. Anecdotal evidence from BLM is NOT ADEQUATE to serve as the sole evidentiary basis for the EIS's conclusions regarding use of these dunes. (p. 3-49). (Recreation Organization, San Diego, CA – #C168)

**LOWER CHEMEHUEVI VALLEY**

Lower Chemehuevi Valley : Describe the evidence, including its source, which support the EIS's contentions that: the easement portions of Chemehuevi Wash have been subjected to unauthorized cross-country travel and hill climbing by OHVs; cross-country travel and hill climbing by OHVs has increased erosion in the Chemehuevi Wash; OHV use has increased sedimentation in Lake Havasu. (p. 3-50). (Recreation Organization, San Diego, CA – #C168)

**LONG-TERM VISITOR AREAS**

Long-term Visitor Areas : What evidence supports the EIS's conclusion that long term visitors have a "severe" impact on the desert environment when they stay for extended periods in the same location? (p. 3-50). (Recreation Organization, San Diego, CA – #C168)

**LEVEL OF RECREATION USE IN THE NECO PLANNING AREA**

Level of Recreational Use in the NECO Planning Area : Other than anecdotal evidence provided by unnamed BLM staff members, what evidence supports the conclusion that "the overall recreational use is currently low in the Planning Area except on a site-specific, seasonal basis?" (p. 3-51). (Recreation Organization, San Diego, CA – #C168)

**PC #: 295**

**Public Concern: The BLM should consult with off-road vehicle users and conservationists to achieve a balanced management approach for the CDCA planning area.**

I remain committed to working with the Off-Highway Vehicle Stakeholder Roundtable to address the concerns of all interested parties, including off-road vehicle users and conservationists. I encourage the BLM to work with each of these groups in an effort to address their concerns. (Juan Vargas, California State Assembly, Sacramento, CA – #C9)

**PC #: 296**

**Public Concern: The BLM should consider the needs of local residents when making land-use decisions.**

There are tens of thousands of public land visitors who use motorized access for sightseeing, exploring, weekend drives and picnics, hiking, skiing, mountain biking, riding horses, camping, hunting, fishing, viewing wildlife, snowmobiling, gathering firewood and natural foods and physically challenged visitors who must use wheeled vehicles to visit public lands. The cumulative needs of these local residents and forest visitors must be accurately quantified and considered in the decision making. (Recreational Organization, Helena, MT – #C296)

**PC #: 297**

**Public Concern: The Final EIS should examine the relationship between NECO and the California Backcountry Discovery Trail footprint.**

The footprint of the CBDT from the southern to the northern border of the Northern and Eastern Colorado Desert District will be significant and warrants specific discussion in this plan amendment. Mike Ahrens reported that over 1800 miles of route have been identified with approximately 300 miles of alternates. Nomination of the Southern Section was scheduled for June of 2000. (Multiple Use/Land Rights Organization, San Diego, CA – #C153)

**PC #: 298**

**Public Concern: The Final EIS should provide detailed information regarding the 1997 Recreational Survey.**

1997 Recreational Survey . What is the name of the 1997 survey of Californians regarding recreational importance? Is it available to the public? How many people were surveyed? How was the survey conducted? (p. 3-43). (Recreation Organization, San Diego, CA – #C168)

**PC #: 299**

**Public Concern: The BLM should conduct local surveys of actual recreation use in the CDCA.**

Reliance on Anecdotal Statements . We agree that a statewide “preference” study is of little value when determining recreational use needs in the NECO Planning area. However, we disagree that a more localized survey is infeasible or would produce meaningless results. We also disagree that “one must rely on anecdotal information from sources in the best position to observe recreational use in this part of the California Desert.” (p. 3-43). Surveys of actual uses are possible and should have been conducted. Reliance on anecdotal statements is inadequate, as such evidence is susceptible to bias and nearly impossible to verify or reproduce scientifically. (Recreation Organization, San Diego, CA – #C168)

**PC #: 300**

**Public Concern: The Final EIS should describe recreation impacts resulting from designating desert wildlife management areas as Category I Desert Tortoise Habitat.**

Recreation Impacts of Designating DWMAs at Category I Desert Tortoise Habitat . . . What are the recreation impacts of such a designation? (Recreation Organization, San Diego, CA – #C168)

**PC #: 301**

**Public Concern: The BLM should consider equally the impacts from various recreational activities.**

Motorized recreationists gave up cross-country travel opportunities as part of the Three-State OHV and National BLM Record of Decision. This lost opportunity included instances such as retrieval of big game and trials bike riding where cross-country travel was generally acceptable. If the concern over the creation of motorized trails by cross-country travel is environmentally unacceptable, then it should also be applied equally to cross-country hiking and mountain climbing. Cross-country hiking and mountain climbing also create trails that provide visible evidence on the landscape of mankind’s existence. For that matter, non-motorized trails and motorized trails are often equal in visual and resource impact. (Recreational Organization, Helena, MT – #C296)

**PC #: 302**

**Public Concern: The Final EIS should evaluate impacts to Desert resources resulting from proposed dispersed recreation limits.**

The preferred Bureau of Land Management and Forest Service Travel Plan Alternative must avoid restricting public access to narrow corridors along a few major roads. The current trend to restrict public access to narrow corridors in the forest will concentrate over 90% of the forest visitors to less than 10% of the forest area. This trend is occurring in all of our National Forests. The cumulative impact from concentrating forest visitors to narrow corridors is not reasonable management of our public lands and access to our public lands. The document must evaluate the cumulative impacts from management goals that concentrate visitors and eliminate dispersed recreation opportunities including impacts to quality of recreation, diversity of recreation, equal allocation of recreation opportunities, wildlife, trails, erosion, vegetation, and reduced recreation opportunities for motorized visitors. (Recreational Organization, Helena, MT – #C296)

The plan proposes to close areas resulting from the designation of a wilderness area that contains sensitive wildlife species, but it also talks about closing other areas simply because they are either over-used or under-used. Apparently, no thought was given to the fact that when the over-used areas are closed, then the under-used areas will



begin to be more heavily used. I would think that you would want to provide as much space as possible for people to recreate rather than bunch them into small confined areas that will only serve to brew trouble for all users.

(Recreational Organization, Anaheim, CA – #C148)

The EIS fails to consider that recent and continuing desert closures will force OHV enthusiasts to use what few open, free play areas remain, including those which may have been under-utilized in the past, such as Ford Dry Lake. (p. 3-49). (Recreation Organization, San Diego, CA – #C168)

#### **SAFETY IMPACTS**

The EIS also fails to address the potential safety impacts of shunting more OHVs onto fewer and smaller areas.

(Recreation Organization, San Diego, CA – #C168)

#### **PC #: 303**

##### **Public Concern: The Final EIS should analyze state-wide cumulative recreation impacts resulting from proposed management activities.**

The environmental document must consider the following visitor profiles in addition to OHV enthusiasts as motorized visitors who use roads and trails in the forest. People out for weekend drives, sightseers, picnickers, campers, hunters, fisherman, snowmobile enthusiasts, woodcutters, wildlife viewing, berry and mushroom pickers, equestrians, mountain bikers, and physically challenged visitors who must use wheeled vehicles to visit our public lands. The cumulative impact of all statewide-motorized closures on all of these visitors must be included in the environmental document. A statewide analysis is required because cumulative effects are forcing motorized visitors to travel farther and farther to fewer and fewer places to find motorized access and recreation opportunities.

(Recreational Organization, Helena, MT – #C296)

#### **Motorized Recreation**

#### **PC #: 304**

##### **Public Concern: The Final EIS should provide discussion of current trends regarding the reduction of motorized recreation opportunities on public lands.**

Motorized Recreation is recognized as one of the fastest growing activities on the federal lands within this country yet recreation opportunities for motorized recreationists are always being reduced. Motorized recreationists have suffered huge cumulative impacts in the form of motorized road, trail and area closures. Motorized visitors are being systematically removed from the majority of the National Forest. National Forests are largely becoming a “National Forest Park” or “exclusive-use” areas at the expense of multiple-use recreationists. What ever happened to “Multiple-Use” and the “Land of Many Uses” and “National Forest lands are managed for the greatest good for the greatest number of people. . .” as envisioned by the first Forest Service Chief, Gifford Pinchot? The document must address these trends and the issues that surround them and restore reasonable management and decision-making to our National Forests. (Recreational Organization, Helena, MT – #C296)

#### **PC #: 305**

##### **Public Concern: The Final EIS should provide analysis of public demand for motorized recreation.**

The motorized roads and trails proposed for closure are, for the most part, primitive roads and trails that provide the ideal experience sought by motorized visitors. The environmental document must adequately evaluate the type and quality of experiences that motorized visitors enjoy and want maintained in the area. (Recreational Organization, Helena, MT – #C296)

#### **PC #: 306**

##### **Public Concern: The Final EIS should include an analysis of cumulative impacts to motorized recreation.**

The cumulative impact of lost multiple-use and recreation opportunities (in acres of unrestricted area and miles of roads and trails) by all past decisions including forest management plans, and the creation of wildlife areas, wilderness, Roadless, and non-motorized areas has not been adequately recognized. We have not seen the agencies

tabulate the amount of motorized recreational opportunity lost during the past 30 years. We have experienced the cumulative loss first hand. We estimate that today's motorized recreational opportunities are less than 50% of the level available in 1970. This is a significant cumulative impact. The evaluation in the document and the decision-making must document the cumulative impact of all past actions and the resulting cumulative impact. The cumulative loss in miles, acres, and quality of motorized recreation and access opportunities in our public lands must be adequately and accurately documented and evaluated in the environmental document and decision-making as required under 40 CFR 1508.7 and 1508.25, and guidelines published by the Council on Environmental Quality "Considering Cumulative Effects Under the National Environmental Policy Act". (Recreational Organization, Helena, MT – #C296)

**PC #: 307****Public Concern: The Final EIS should analyze cumulative impacts associated with loss of motorized cross-country travel opportunities.**

Why are non-motorized trails acceptable and motorized trails not acceptable? This position is commonly used to eliminate motorized recreation opportunities and demonstrates that the impacts of non-motorized recreation opportunities are not evaluated with the same criteria used to justify elimination of motorized recreation opportunities. The document must evaluate the cumulative impact associated with the loss of motorized cross-country travel opportunities. (Recreational Organization, Helena, MT – #C296)

**PC #: 308****Public Concern: The Final EIS should address the cumulative effect of closing routes within a loop trail system.**

The preferred alternative cuts off access to motorized looped trail systems, destinations, and motorized access areas located outside the project area. The cumulative effect and lack of motorized access to loop trail systems and destinations outside of the project area has not been adequately considered in the decision-making. (Recreational Organization, Helena, MT – #C296)

**PC #: 309****Public Concern: The Final EIS should include a detailed description of the preferred alternative's impacts on OHV recreation.**

Preferred Alternative's Impacts on OHV Recreation . Describe the OHV recreation impacts that will result from the two "Action" items set forth in Section 2.5.2, page 2-59. This information should have been, but was not, included in the EIS. Also, please describe the OHV recreation impacts that will result from the route changes shown on Appendix 1 and Map 2-32 Appendix A. (Recreation Organization, San Diego, CA – #C168)

**PC #: 310****Public Concern: The Final EIS should contain an analysis that compares the number of miles and acres available for non-motorized recreation versus the number of miles of roads and trails available for motorized recreation.**

The process must evaluate and identify how many miles of OHV trails are available to motorized recreationists in our public lands versus the miles of trails and acres of cross-country travel opportunities available to non-motorized visitors. (Recreational Organization, Helena, MT – #C296)

**PC #: 311****Public Concern: The Final EIS should describe off-road vehicle impacts resulting from designating the Chemehuevi and Chuckwalla Desert Wildlife Management Areas as areas of critical environmental concern.**

Impacts to OHV Recreation . Please describe the OHV recreation impacts which result from designating the Chemehuevi DWMA and the Chuckwalla DWMA as ACECs. (p. 2-18). (Recreation Organization, San Diego, CA – #C168)



**PC #: 312**

**Public Concern: The Final EIS should describe off-road vehicle impacts resulting from redesignating all Multiple-Use Class M lands within the proposed desert wildlife management areas to Multiple-Use Class L.**

Please describe the OHV recreation impacts caused by redesignating all Multiple-Use Class M lands within the proposed DWMA's to Multiple Use Class L. (p. 2-19)(Map 2-7, Appendix A). (Recreation Organization, San Diego, CA – #C168)

**PC #: 313**

**Public Concern: The BLM should re-examine the claim that OHV use in Rice Valley Dunes and Ford Dry Lake “will continue to be very low, or non-existent.”**

Level of OHV Use : The evidence does not support EIS's assertion that OHV use in Rice Valley Dunes and Ford Dry Lake “will continue to be very low, or non-existent.” Recent closures elsewhere will increase demand for and use of these two areas. (p. 4-3). (Recreation Organization, San Diego, CA – #C168)

**PC #: 314**

**Public Concern: The Final EIS should clarify the information regarding free play areas.**

Nexus Between Habitat and Free Play Areas . Describe the nexus between special status species habitat (e.g., Desert Tortoise habitat) and the 33 “potential motorized-vehicle free play areas” evaluated by BLM staff. (p. 3-48).

Selection of Free Play Areas . How were these 33 free play areas selected? What selection criteria were used? (p. 3-48 – 3-49). Free Play Area Analysis . Why was the “area-by-area impact analysis, decision criteria, opinions, and final boundary maps for motorized free-play” not included as an Appendix to the EIS? (p. 3-49). Approved Free

Play Areas . Were all 33 “potential” free play areas approved for free play? The EIS is ambiguous on this point. In fact, it suggests that just two areas – Ford Dry Lake and Rice Valley Dunes – were approved and designated as “open.” (p. 3-49). If this is true, what happened to the other 31 sites? Why were they rejected? Please clarify.

(Recreation Organization, San Diego, CA – #C168)

**PC #: 315**

**Public Concern: The BLM should restrict motorized use to designated areas.**

It is very important to delineate and carefully control OHV travel. Please eliminate OHV use from as much of the desert as possible. (Individual, Oakland, CA – #C16)

I personally don't believe that off-road vehicles belong on public lands. If they are to be allowed however, they should only be allowed to travel on designated routes and not given blanket authorization to destroy vast “open wash” zones. These wash zones provide habitat for many sensitive species and should be protected. (Individual, Palo Alto, CA – #C109)

**PC #: 316**

**Public Concern: The BLM should ensure that certain routes remain open to motorized use.**

**RED CANYON SHEEP TRAIL**

I have one question to the preferred plan. Red Canyon Sheep Trail, the map shows on the preferred plan that a portion of that road is going to be closed; is that right? Well, according to what I see of the map, but that's my only objection to that plan. Other than that, fine. (Individual, No Address – #C173)

**HIDDEN SADDLE AREA**

We strongly object to closure of the route highlighted on the enclosed map as being redundant. It is the best route to the Hidden Saddle Geode Beds. The route just south dead-ends at a large wash which severely restricts access by

elderly or handicapped people of the Hidden Saddle area. Both routes serve a purpose. We do not consider either route as being redundant. (Recreational Organization, No Address – #C58)

#### **ROUTE NO. 66-626**

Route No. 66-626 is marked as a “non-route” even though it is graded and paved with asphalt for approximately two miles south of old Highway 60-70. The unpaved portion of this route continues in a southwesterly direction, all the way to the Chuckwalla Mountains, as shown on you Chuckwalla DAG No. 18. The members of the Shadow Mountain Gem and Mineral Society respectfully request that this entire route remain open. It is expected that at least the graded, paved portion of this route will remain open. (Recreation Organization, Desert Hot Springs, CA – #C139)

#### **ROUTE NO. 66-703**

Route No. 66-703 is a power line road which for unknown reasons, has been left off the East of Aztec Mines Quad Map. It is expected that this route will be added to the map, and be open for use. (Recreation Organization, Desert Hot Springs, CA – #C139)

#### **LONG “NON ROUTE” ON THUMB PARK QUAD MAP**

The long “non-route” showing on the Thumb Peak Quad Map was marked “Closed” by the Bureau of Land Management several years ago, without due process. A letter was written by me, over 2 years ago regarding this route. It is now expected that the approximately 1/2 mile of this route which accesses private land from the south, will be reopened. (Recreation Organization, Desert Hot Springs, CA – #C139)

#### **ROUTE NO. 690-499**

690499 – Would like to see this one remain open. Great view along mountains. Mountains have fantastic formations lots of mines. Route lined a lot of the way by rows of rocks on both sides. Great Trail. (Recreation Organization, Victorville, CA – #C91)

#### **MAP 104 ROUTES**

Map 104 Routes on this map are the only way to the mines. These mines offer a great place to explore and to take a break or just to have lunch. With the closures you cannot go all the way to Wiley’s Wells. Used to be able to come from I-30 at Wiley’s Wells but with the roads running through the wilderness are now the only access this area is to come in on Palen Pass RD and drop down. (Recreational Organization, Victorville, CA – #C91)

#### **MAP 105 661253 TRAIL**

Map 105 661253 Trail leads to Brown mine. Multiple open pit mines and several shafts. Very scenic area with multiple viewpoints and unique rock formations, crystals, geodes on general good rock hounding area. Multiple roads present no on maps. Road Closure would eliminate access to entire canyon this route is a loop route and joins into 661255, which leads to the Victor Mine. (Recreational Organization, Victorville, CA – #C91)

#### **ROUTES 66-790, 66-792, 66-795, AND 66-796**

66-790, 66-792, 66-795, 66-796 are all excellent bird hunting areas. Used by beekeepers and snowbirds they need to remain open. (Recreational Organization, Victorville, CA – #C91)

#### **PC #: 317**

#### **Public Concern: The BLM should ensure that all existing trails remain open for motorized recreation.**

Avoid all road and trail closures based on wildlife concerns except where negative wildlife impact can be specifically identified and documented. Motorized use on existing trails has little or no verified effect on game animal welfare. In fact, some of the areas more intensely visited by motorized visitors have experienced significant increases in wildlife populations, further substantiating the fact that motorized recreation does not in itself create a significant impact on wildlife. Trails should not be completely closed for wildlife concerns if those concerns are valid for seasonal reasons only. These closures should be seasonal only with the dates consistent with the requirements to protect wildlife. Trail closures should not be associated with other actions including timber sales, mining, and livestock grazing. Corrective action should be taken where trail closures in the past have resulted from these sorts of past actions. Loss of motorized trails as a result of past timber sales should be mitigated by connecting



old and new travel ways to create a loop trail system. Other actions such as timber harvest, mining, and livestock grazing should guarantee the re-establishment and/or relocation of all trails and roads disturbed by these activities. Align non-motorized area boundaries so that they do not encroach or eliminate trails located at the edge of the boundaries. Provide for motorized trails and vista points on the boundaries outside of the non-motorized areas so the motorized visitors can view those areas. In order to be equitable, the agencies must avoid the closure of trails to motorized use as the "easy way out" in dealing with problems. Land managers should recognize that many roads and trails were not originally laid out with recreation in mind and that changes should be made in some road and trail segments to address environmental and safety problems. In most cases, if not all, these sorts of problems can be mitigated to a reasonable level and closures can be avoided. (Recreation Organization, Helena, MT – #C296)

**PC #: 318**

**Public Concern: To ensure continuing motorized recreation opportunities, the BLM should create new trails when existing trails are closed.**

We are greatly concerned about the management trend in our National Forests that has significantly reduced or eliminated motorized recreation and access opportunities. The closure of any existing motorized trail will add to the significant cumulative loss of motorized recreation and access opportunities that has occurred in our public lands during the past 30 years. In order to avoid contributing further to the significant cumulative loss of motorized recreation and access, the closure of a motorized trail or access must be offset by the creation of a new motorized trail or access of equal value. (Recreational Organization, Helena, MT – #C296)

**PC #: 319**

**Public Concern: The BLM should maintain and expand the existing trail system in the CDCA planning area.**

Maintain availability of existing trail system to motorized visitors. Maintain all existing trails on the trail inventory. Return trails that used to be on the Bureau of Land Management and Forest Service trail inventory to the present inventory. Add existing trails to the Bureau of Land Management and Forest Service trail system that are not now on or have not been on the trail system. The maximum amount of trails should be made available in order to disburse all forms of trail use and thus minimize impacts to trail users. (Recreation Organization, Helena, MT – #C296)

**PC #: 320**

**Public Concern: The Final EIS should ensure that opportunities for motorbike recreation will continue.**

Provide motorized recreation opportunity for open or play areas and trials bikes in selected places where acceptable. Motorcyclists enjoy riding single-track trails. Motorized single-track recreation trails are limited at this time and continue to be eliminated. Some BLM and Forest Service travel plans do not differentiate between ATV and motorcycle trails. Travel plans should differentiate between ATV and motorcycle trails and single-track trails that are not appropriate for ATV use should be kept open for motorcycle use. (Recreation Organization, Helena, MT – #C296)

**PC #: 321**

**Public Concern: The BLM should provide loop trails on public lands for motorized recreation.**

Provide opportunity for "motorized loop trail systems" to lessen impact and provide a better recreational experience. Allow use of specific roads for OHVs that are not licensed for the street in order to develop a system that ties OHV trails together. (Recreation Organization, Helena, MT – #C296)

**PC #: 322**

**Public Concern: The BLM should prohibit OHV use in wilderness areas.**

Of special concern to me is the damage done by off-road vehicles. I hope that tight controls are in force (or will be soon) to keep motor vehicles out of the wilderness! (Individual, No Address – #159)

Provide adequate funding and safeguards to prevent motorized incursions in the designated wilderness areas. If this requires a no-motorized-access buffer zone around the wilderness areas, that should be provided. (Individual, Cupertino, CA – #C127)

**PC #: 323****Public Concern: The BLM should consider mitigating sedimentation concerns from motorized recreation instead of limiting access.**

The Forest Service Stream Systems Technology Center has found, in a paper published in the July 2000 issue of Stream Notes, that roads and trails can easily be hydrologically disconnected from streams. Therefore, the sedimentation concerns can be easily mitigated and must not be used as a reason to justify motorized recreation and access closures except in significant cases that cannot be adequately mitigated. (Recreation Organization, Helena, MT – #C296)

**PC #: 324****Public Concern: The BLM should not use noise from motorized vehicles as a reason to limit motorized activities.**

Concern with sound can be mitigated by establishing a reasonable decibel limit for exhaust systems. States such as California and Oregon have enacted sound emission limits. Public land-use agencies could establish reasonable sound limits and use this approach to address the sound level issue. Why hasn't this been done? This solution is more equitable than closures. This issue must be addressed in the document and decision-making. (Recreation Organization, Helena, MT – #C296)

**PC #: 325****Public Concern: The BLM should coordinate with the National Park Service regarding motor access routes into the Mojave National Preserve.**

Chapter 2, p. 50 – Any routes planned for motorized vehicle access that enter the Mojave National Preserve must be coordinated with the NPS. The NPS is particularly concerned about any routes near or adjacent to designated Wilderness areas or that might come directly up to NPS boundaries. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 326****Public Concern: The BLM should ensure adequate trail signing and maintenance along travel routes.**

Access issues are absolutely critical as several people have expressed. It's critical that the existing access trails and roads be maintained where some small closures may be necessary to protect species if they are, in fact, at the end of roads and don't interfere with loops and that kind of thing. I can live with that, but I would want to make sure the roads that remain are going to be well maintained, that they'll be signed, that maps will be available so people can get to these areas, and they're not going to be lost or hidden in any way through the plan. (Individual, No Address – #C182)

Utilize consistent trail signing and marking so that the public is not confused. Trails closed unless otherwise marked open are not reasonable. Trails, when closed, should be signed with an official, legitimate reason. Utilize all trail maintenance and upgrading management techniques, such as, bridging, punchon, realignment, drains, and dips to prevent closure or loss of motorized trail use. Trails should not be closed because of a problem with a bad section of trail. The solution is to fix the problem area or reroute the trail, not to close it. If funding or manpower is a problem, then other resources should be looked to including local volunteer groups, state or national OHV funding. The utilization of State Trail Ranger Programs through the State OHV Fund, as well as volunteer trail maintenance programs should be pursued further and increased. Trails should be cleared early in the year to insure maximum availability and reduction of diversion damage caused by routing around obstacles. (Recreation Organization, Helena, MT – #C296)



**PC #: 327****Public Concern: The BLM should eliminate competitive vehicle events in the Desert Wildlife Management Areas.**

Off Road Vehicle (ORV) events must be eliminated in DWMA's. The draft NECO Plan proposes that the Parker 400 race route, Ford Dry Lake, and Rice Dunes, all currently open areas, be closed. I support those closures, but to protect DWMA's more ORV areas must be closed. The harm caused by ORV use is well documented. . . The Johnson Valley-Parker race course cuts through critical habitat in the Chemehuevi DWMA yet has not been used competitively since 1984. These open areas and routes must be permanently eliminated. (Individual, Austin, TX – #C50)

**PC #: 328****Public Concern: The BLM should not eliminate the Parker 400 Race Course.**

In addition the Parker 400 Race Course should not be eliminated partially because the race has not been held in recent years. (Individual, No Address – #C18)

**PC #: 329****Public Concern: The Final EIS should provide an expanded analysis regarding the closure of the Parker 400 Race Course.**

Elimination of Parker 400 Route . The Preferred Alternative calls for the elimination of the Parker 400 competitive recreation route. Why is this action being taken? Will the route be reestablished when and if sufficient interest in putting on a racing event arise in the future? Will the route be open to casual OHV use? If not, why not? What biological resources are affected? What data supports this conclusion? These questions should be, but are not, addressed in the EIS. (Recreation Organization, San Diego, CA – #C168)

**PC #: 330****Public Concern: The Final EIS should provide more detailed information regarding sensitive resource along race routes.**

Sensitive Resources In or Along Race Routes . Identify the “sensitive resources observed in or along the Johnson to Parker and Parker 400 race routes.” What data support the existence of such resources in these race areas? (p. 3-47). OHV Impacts to Sensitive Resources In or Along Race Routes . Describe the impacts caused to these resources by OHVs. Identify the scientific data which demonstrate that these impacts were caused by OHVs. (p. 3-47). Impacts From 1989 Barstow to Las Vegas Race . Described the resource impacts that resulted from the 1989 Barstow to Las Vegas race. Describe the mitigation measures considered and imposed to reduce those impacts while still allowing the race to go forward. (p. 3-47). 1990 Policy Paper Re: OHV Events . Please provide a copy of the BLM's February 13, 1990 Policy Paper regarding competitive off-highway vehicle events. Describe the conclusions drawn in that Policy Paper. (p. 3-47). Impact of 1989 Barstow to Las Vegas Race On Desert Tortoise Habitat . During the 1989 Barstow to Las Vegas race, what data show that event participants disturbed Desert Tortoise habitat? How much habitat was disturbed? Were any Desert Tortoise individuals harmed or killed? How many? What data support this finding? (p. 3-48). 1989 Barstow to Las Vegas Race Course . What evidence supports BLM finding that racers “strayed” from the course in 1989. (p. 3-48). Race Event Impact to Desert Tortoise Recovery . What evidence demonstrates that the race events will interfere with Desert Tortoise recovery? (p. 3-48). (Recreation Organization, San Diego, CA – #C168)

**PC #: 331****Public Concern: The BLM should explore alternatives and mitigation measures before denying permits for competitive race events.**

Alternatives and Mitigation Measures . Before finding “changed circumstances” and denying the permit for a competitive race event, BLM must consider alternatives and mitigation measures that will protect the Desert Tortoise while still allowing the event to proceed. (p. 3-48). The EIS fails to provide adequate information regarding such alternatives and mitigation measures. (Recreation Organization, San Diego, CA – #C168)



**PC #: 332**

**Public Concern: The BLM should rely on objective data regarding impacts from racers straying from Turtle Mountain Race Course.**

Impacts from Racers Straying From Turtle Mountain Race Course : Evidence that racers strayed from Turtle Mountain WSA is sparse and inadequate. Reliance on "recollections" of Needles Field Office staff is inappropriate. (p. 4-32). (Recreation Organization, San Diego, CA – #C168)

**Travel System**

**PC #: 333**

**Public Concern: The Final EIS should provide an analysis of impacts to the human environment from closing roads.**

The environmental document must objectively compare the significant negative impacts of closing roads and motorized trails to motorized visitors versus the positive benefits to wildlife habitat, sediment production, water quality, noxious weeds, and fisheries. The real measurable benefits to wildlife habitat, sediment production, water quality, noxious weeds and fisheries from the closing of these travel ways to motorized visitors are all too often relatively small in magnitude and do not justify the significant cumulative impact of the motorized closure on thousands of visitors seeking motorized access and recreation. The document must evaluate how the goal of environmental perfectionism is affecting the human environment. The document must also evaluate the cumulative impact that using environmental perfectionism as a goal for decision-making is having on the human environment. (Recreation Organization, Helena, MT – #C296)

Failure to Discuss Reasonable Mitigation Measures . NEPA also requires that the EIS discuss mitigation measures designed to eliminate or reduce the proposed project's impacts on the human environment. Again, the NECO Management Plan EIS fails to include such a discussion. No mitigation is offered to compensate for the loss of the various OHV routes and play areas slated for closure under the Preferred Alternative. No effort was made to locate comparable routes and play areas as alternatives to those which would be closed. In addition, the EIS evinces no effort on the part of BLM to design management policies that would both protect sensitive resources and minimize impacts on OHV recreation. In other words, the EIS only discusses closure of routes and play areas; its fails utterly to consider less severe actions, such as: (1) increased signage alerting OHV users of the sensitive resources adjacent to the routes on which they are traveling; (2) increased OHV user fees to pay for increased enforcement staff; and (3) seasonal or alternating closures which would guarantee that each existing route and play area is open at least part of the year. Because it fails to include a meaningful discussion of mitigation measures, the EIS is defective. (Recreational Organization, San Diego, CA – #C168)

**PC #: 334**

**Public Concern: The BLM should conduct an on-the-ground assessment of multiple-use values for all existing travel routes.**

Each road and trail should be inventoried and viewed on the ground to determine its recreational value and any significant problem areas that require mitigation measures. Each road and trail should be evaluated for its value as a motorized loop or connected route. Each road and trail should be evaluated for its value as a dispersed campsite or as access for all multiple-use visitors. Every problem has a solution. Every impact has a mitigation measure. Travel Plan Alternatives should be developed with the objective of including as many roads and trails as possible and addressing as many problems as possible by using all feasible mitigation measures. (Recreational Organization, Helena, MT – #C296)

**PC #: 335**

**Public Concern: The Final EIS should disclose decision criteria for road closures.**

I have reviewed documents which identify mines in several counties. Each of these mines had roads. These roads are also county roads (RS2477) and many are proposed for closure and would deny the future economic use of the mine. No where is identified the criteria by which these roads were selected to be closed. (Recreational Organization, Modesto, CA – #C298)



Map 28. There is 7 miles on the new map proposed closed. We did not receive criteria for this closure in the draft EIS. Map 39. 690480 is proposed closed on the new maps. We did not receive criteria for this closure in the draft EIS. (Recreational Organization, Victorville, CA – #C91)

**PC #: 336**

**Public Concern: The BLM should revise criteria for road closures.**

The NECO plan, as the other management plans, provides protection for the environmental concerns in the NECO plan area however, the wording in the document ignores the need to expand and maintain the recreation areas for OHV and other users. It proposes the closure of several OHV and other areas, yet fails to provide adequate factual rationale for these closures. I am asking for more justification for any proposed closure, beyond what is currently in this plan. The justification provided by the team from the BLM doesn't meet my standards and as a tax paying citizen and green sticker paying user, I am demanding that any proposed closure be backed-up with real science and that I am provided with adequate time to review those findings. (Individual, Falls Church, VA – #C183)

**PC #: 337**

**Public Concern: The Final EIS should disclose the criteria for determining which roads are redundant.**

"Redundant" Vehicle Routes . On page 2-54, the EIS refers to "redundant" vehicle routes that are slated for closure. Please set forth the criteria BLM uses to determine whether a given route is "redundant." (Recreational Organization, San Diego, CA – #C168)

**PC #: 338**

**Public Concern: The BLM should base road closure criteria on the merits of each road.**

We are concerned about the way that area closure is approached in the planning process. Past actions have closed many roads and trails to motorized recreation and access without addressing the merits of each one. Justification has included reasons, such as ghost roads, user created roads etc., that are not site specific and do not amount to adequate justification. The fact is that many public recreational roads and trails in use today have been created by forest users' going back to the early days of history when all of the forest was "open" to motorized access. Bureau of Land Management and Forest Service cannot select which roads are useful to keep and which are not without a site-specific analysis. The cumulative effect of not analyzing each road and trail segment is tremendous. The decision making must be based on the individual merits of each travel way. (Recreation Organization, Helena, MT – #C296)

**PC #: 339**

**Public Concern: The BLM should consider road reclassification as an alternative to road obliteration.**

The environmental document must accurately address the significant negative impacts associated with disturbing existing stable roadways in order to obliterate the existing roadbed. A more viable alternative would be to reclassify the road to either restricted-width or unrestricted-width motorized trail. The preferred alternative should make practical use of this management tool and the benefits that it provides including reduced sedimentation impact, reduced fisheries impact, reduced noxious weed impact, much less construction cost, reduced road inventory, reduced road maintenance and increased opportunities for motorized recreationists. Reclassifying roadways to restricted- or unrestricted-width motorized trail also avoids contributing to cumulative impacts on motorized recreationists. (Recreational Organization, Helena, MT – #C296)

**PC #: 340**

**Public Concern: The BLM should justify proposed area closures in the NECO area.**

Ford Dry Lake – "Although no recent surveys have been conducted to ascertain levels of use on Ford Dry Lake, anecdotal information from the BLM's Palm Springs South Coast Field Office staff indicates it receives little motorized-vehicle free-play use." (Ch. 3 pg.49) So the BLM will close this area based on this "anecdotal" information. Apparently no thought has been given to the fact that, as other OHV areas are continually being

eliminated and reduced, this currently “little used” area may be in high demand. Rice Valley Dunes – “No surveys have been conducted to determine use levels in this OHV area, but anecdotal information from BLM staff indicate that like Ford Dry Lake, it is not frequently used as a motorized-vehicle fee-play area.” (Ch. 3 Pg. 49) Another area to be closed based on “anecdotal” information without regard for future needs of the OHV community. Recent closures of OHV recreation in the Imperial Sand Dunes Recreation Area would lead one to expect that the BLM would make every attempt to keep other sand dune areas available for the hundreds of thousands of OHV enthusiasts who are being concentrated into smaller and smaller area within the ISDRA. Palen Dunes – To be closed to OHV use. No justification (even anecdotal) presented in NECO Plan/EIS. Ford Dunes – To be closed to OHV use. No justification (even anecdotal) presented in NECO Plan/EIS. Palen Dry Lake – To be closed to OHV use. No justification (even anecdotal) presented in NECO Plan/EIS. (Individual, Lakeside, CA – #C90)

The converting of Ford Dry Lake and the Rice Valley Dunes from free play areas to closed areas is another tuff one to understand. This change is being made because they are not ‘frequently used.’ No surveys have been conducted to determine use levels in these OHV areas. BLM staff from the Palm Springs-South Coast Field Office has generated the determination of infrequent use. How often do staff members visit these areas? Do they take into consideration the more than average winds, that constantly change the appearance of the lake bed and dunes. The Rice Valley Dunes support more vegetation than dunes that are heavily used. Could that be bad? Unless your staff members make regular visits to these areas it would be difficult to accurately assess the actual use. To turn free play areas into closed areas for an alleged lack of use is truly hard to understand. Use it or lose it? Closure for suspected over use. Closures for alleged under use. Damned if you do, damned if you don’t. (Individual, Blythe, CA – #C152)

**PC #: 341****Public Concern: The BLM should limit road closures to one percent of the CDCA planning area.**

Limit road closures to 1%. For example, I may drive the Bradshaw trail one week and tour the Big Maria the next. It is difficult for me to pick and choose which roads I would like to keep open. I enjoy site seeing. Do not close any existing washes. (Individual, Blythe, CA – #C115)

**PC #: 342****Public Concern: The CDCA Plan Amendment should retain access roads for mineral collection activities.**

I am a representative of two mineral societies in San Bernardino, California. One, Kaiser Club, and the Orange Belt Mineral Society. We have concerns about the roads that are to be closed, and we also have joy in knowing that some roads are going to be opened. We would like accessible roads to long-established collecting areas. And as representative of these clubs, we will be sending you data, maps, and roads that we would like to stay open. We do appreciate the roads that were kept open in the Wiley Wells area after we sent maps and roads and — et cetera, in to you in this area. We appreciate the park that was established at that time. And if there is anything that our two clubs can do to help the Bureau of Land Management, we will do that. And we will be in touch. (Recreation Organization, No Address – #C99)

**PC #: 343****Public Concern: The Final EIS should clarify that the BLM has no authority to close county roads.**

I recently learned at one of the Bureau of Land Management task meetings, that the BLM has NO authority to close county roads. County roads may be closed only by abandonment, through resolution of the County that has identified the road as in its inventory, in one form or another. Formal assertions of RS2477 right-of-ways have been made by many counties or are in the process of being asserted, and yet no mention of road assertions granted by RS2477 is ever mentioned in either document. (Recreation Organization, Ridgecrest, CA – #C850)



**PC #: 344****Public Concern: The Final EIS should ensure the preservation of RS 2477 rights-of-way for future generations.**

Throughout the later half of the 19th century and the first three-quarters of the 20th century, the use of "RS 2477 rights-of-way" over federal land in the western United States became a standard method of legal access across federal lands for commercial, industrial, and recreation pursuits to such an extent that the use of the RS 2477 rights-of-way has become an inherent part of western heritage and a capital asset for the public that must be preserved for future generations. All of the routes proposed for closure by the Bureau of Land Management and Forest Service were in existence before 1976 and, therefore, have RS 2477 rights-of-way to provide the public with access to public lands. (Recreational Organization, Helena, MT – #C296)

**PC #: 345****Public Concern: The Final EIS should recognize all travel routes claimed under RS-2477.**

Motor vehicle access/routes of travel should recognize all roads and routes claimed under RS-2477 as shown by Imperial, Riverside and San Bernardino counties in their planning documents. We do not see confirmation of this being done in the Draft CMP/EIS. If these routes were incorporated into the document, verification by the counties should be included to eliminate any doubt in the future. We do have some concerns about the so called Non-Routes that access some of our historically documented mineralogical collecting areas. We support the position of the San Diego Mineral & Gem Society, Shadow Mountain Gem & Mineral Society and any other input you may receive objecting to potential additional closure of access routes. (Recreation Organization, No Address – #C58)

**PC #: 346****Public Concern: The CDCA Plan Amendment should establish that Rt. 660656 will remain open.**

Map 90 660656 becomes a large sand wash after the intersection of 66-655. Just after intersecting 660655 it also intersects 660669 just above the Arlington Mine. There is suppose to be a guzzler in the area but could never find it. There seems to be no fore thought in the random closure of these roads. The way it is there would be no way to go through the valley to Wiley's Well. With the closure of 660656 before 660655 and not being able to access 660665 from 660653 there are not any roads open. This cuts off the upper valley from the lower valley. 660656 must remain open to at least 660669. (Recreational Organization, Victorville, CA – #C91)

**PC #: 347****Public Concern: The BLM should reevaluate information provided in the DEIS on Rd. 690142.**

690142 Criteria says it is close to a spring. Did not see the spring. Good route that leads to an interesting area provides access to a nice backcountry area for hiking and camping. (Recreational Organization, Victorville, CA – #C91)

**PC #: 348****Public Concern: The CDCA Plan Amendment should establish a standard that roads in the CDCA planning area are closed unless posted open.**

Routes of travel designation. At Ch.2 Pg. 59, BLM proposes that, essentially, routes are open unless closed. It should be the other way around – routes should be considered closed unless specifically designated as open through the planning process. According to the Plan/EIS, BLM already has the authority to do this under Executive Order 11989 to consider lands and trails as closed unless specifically designated as open, with further authority to regulate OHV use for the protection of soil, vegetation, watershed, wildlife, and wildlife habitat and other resources under Executive Order 11644 (Ch. 3, Pg.52). Closed route signs sometimes disappear, causing ambiguity over whether a route is open or closed. If the route is closed unless specifically marked open (on an official map and on the ground), there should be no doubt as to which routes are open and there will also be an incentive to make sure the open route sign remaining standing. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 349**

**Public Concern: The Final EIS should present a clear definition of “road.”**

The preferred alternative suggests the closing of 3% of the roads in the affected area. How many roads is that? What is the BLM’s definition of a road? It is conceivable that 10 or 20 percent of the roads could be closed based on a biased definition of what a road is. (Individual, Twentynine Palms, CA – #C134)

**PC #: 350**

**Public Concern: The BLM should ground truth routes that have been declared non-routes.**

The NECO plan states that: Non-routes are previously-existing routes, which have been substantially reclaimed by the forces of nature. It was stated that an on the ground survey revealed that such routes cannot be located due to complete or near-complete reclamation and intermittently visible thereby encouraging intermittent cross country travel where evidence of the route disappears and to have been revegetated to the extent that although visible travel upon them would require the crushing of substantial vegetation. Where only a portion of a route was declared to be a non-route at the time of the inventory the entire route is recommended for closure to preclude impacts to the non-route portion and allow natural reclamation to continue. When CA4WDC had gone out and done ground truthing of what was in the criteria for the routes to be closed was actually what was on the ground. A few routes seem to be closed because of what ever vehicle was used to do the one the ground back up was too big. Jeeps and other smaller 4x4s could traverse the trail. The technical fourwheeling was not taken into account. If a passenger car or low clearance vehicle could not traverse the route then it was deemed a non-route. A few of the non-routes were actually routes that were used very heavily. While CA4WDC did not get to look at every trail that was proposed closed for various reasons, we had come to the conclusion that the proposed closures were not accurate. (Recreational Organization, Victorville, CA – #C91)

## **Route Designation**

**PC #: 351**

**Public Concern: The BLM should disclose all information relevant to route designation criteria.**

We would also like to know who developed the route designation criteria and who participated in the decision making process? We know that routes are just not being inventoried for the WEMO areas, so we would like to know when the NEMO and NECO areas were inventoried. The maps we have seen for WEMO have not correctly shown routes as they exist on the ground, and we would have reason to believe that the NEMO and NECO areas fall into the same category. (Recreation Organization, Ridgecrest, CA – #C85)

Please improve the Northern and Eastern Colorado Desert plan (NECO) by: Incorporating a complete route designation process that analyzes ALL routes, including washes, according to the criteria outlined in previous Executive Orders and that does not give blanket authorization to riding in washes without proper environmental analysis. (Individual, No Address – #C198)

**PC #: 352**

**Public Concern: To help in making route closure decisions, the BLM should assign “beneficial use” designations to travel routes proposed for retention.**

We recommend that one or more “beneficial use” designations (e.g., through-travel, hunting access, access to a specific area or natural resource, etc.) be assigned to each route of travel that will be retained as part of the transportation system for the planning area, and that this information be included in the FEIS. This information would be useful in determining whether additional existing routes are redundant and could be closed. (U.S. Environmental Protection Agency, San Francisco, CA – #C145)



**PC #: 353**

**Public Concern: The CDCA Plan Amendment should implement the Memorandum of Understanding between the BLM, the California Department of Parks and Recreation and the U.S. Forest Service as part of the route designation process.**

The goals stated in the CDCA Plan's Recreation Element (1985 Plan Amendment Six, approved January 15, 1987; and 1987 Plan Amendment Nine, Approved August 23, 1988) are reiterated as goals of the NECO Plan for recreation and do not include routes of travel for touring. The MOU between the BLM, California Department of Parks and Recreation and the U.S. Forest Service (See copy of the MOU, attached) was signed in 1989 and must be identified as a significant addition to the Routes of Designation. (Multiple Use/Land Rights Organization, San Diego, CA – #C153)

**PC #: 354**

**Public Concern: The Final EIS should justify designating desert management areas as Category I Desert Tortoise Habitat.**

Recreation Impacts of Designating DWMA's at Category I Desert Tortoise Habitat . What scientific evidence supports designating all proposed DWMA's as Category I Desert Tortoise Habitat? (Recreation Organization, San Diego, CA – #C168)

**General Human Environment, Utilities, Recreation, and Travel**

**PC #: 355**

**Public Concern: The Final EIS should provide discussion of current and future utility activity in the CDCA.**

The Imperial Irrigation District is proposing to construct a new 230-kV transmission line parallel to the existing 161-kV transmission line through the Chocolate Mountain Gunnery Range from Blythe to the Niland Substation. There is some discussion by San Diego Gas & Electric to construct a 500-kV electric power line from Blythe to the Mexican Border but no details are as yet available. Chapter 4, page 28, states, "...Additional utilities connecting Los Angeles and San Diego areas with the rest of the country can be expected. ..." There are a number of fiber optic lines that have been and are currently being constructed throughout the NECO planning area that should also be discussed as well within the NECO Plan and included within the Draft EIS. (Imperial County Planning/Building Department, El Centro, CA – #C151)

New utility projects are planned in the NECO plan area including the Cadiz water project, N. Baja pipeline project, Blythe-Niland powerlines and power plants. These must be considered in the plan and in the NECO biological opinion. (Individual, Arlington, VA – #C186)

**PC #: 356**

**Public Concern: The Final EIS should identify all current and permissible facilities within the planning area utility corridor.**

What current facilities are included in the identified CDCA Plan utility corridor? How many more (and type of) utilities and at what level of disturbance (how many acres allotted for each) are planned within the 1 % disturbance limit? (Oil/Pipeline Industry, Orange, CA – #C78)

**PC #: 357**

**Public Concern: The CDCA Plan Amendment should clarify permit and facility management plan protocols for utility operations.**

Will there be a general permit or other procedure for ongoing utility maintenance activities on existing facilities within the NECO DWMA and non-critical habitat? Will existing utilities be required or allowed to implement a Programmatic Operation and Maintenance Plan? If so, what will be the requirements that will need to be included in such a plan? (Oil/Pipeline Industry, Orange, CA – #C78)

**PC #: 358****Public Concern: The CDCA Plan Amendment should incorporate a goal of providing for future energy needs.**

We appreciate the efforts that have gone into the development of the NECO Plan, but feel that more attention must be paid to integrating the current and future requirements of utility projects that are necessary to support critical energy and other infrastructure needs. (Utility Corporation, Portland, OR – #C144)

**PC #: 359****Public Concern: The Final EIS should provide an expanded analysis of impacts on utilities.**

NEG [National Energy Group] believes that NECO has not adequately addressed the significant adverse impacts on existing and future utility development proposed as part of the NECO plan. Specifically, the designated utility corridors as required by the California Desert Conservation Area Plan (CDCA, BLM 1980 as amended) are overlaid by a Desert Wildlife Management Area (DWMA) in the preferred alternative that will significantly limit existing utility maintenance, improvement, or upgrade, and seriously limit any future development in those corridors. (Utility Corporation, Portland, OR – #144)

**PC #: 360****Public Concern: The BLM should consult with utility corporations to address resource and industry needs.**

NEG recommends that NECO be rewritten in part to reduce and properly analyze its impacts on utilities. NEG recommends the utility community be given the opportunity to participate in discussions regarding that update, prior to the final publication of NECO as a governing document in this area. There is an opportunity here for NECO to designate an alternative corridor or corridors that could have less impact on the recovery of desert tortoise than current corridors and would not punish present and future utilities for using designated corridors. (Utility Corporation, Portland, OR – #144)

**PC #: 361****Public Concern: The BLM should restrict the construction and expansion of utility corridors.**

No new access roads should be built where such exist and new utility infrastructure should not be allowed outside already designated corridors. (Individual, Arlington, VA – #C186)

**PC #: 362****Public Concern: The CDCA Plan Amendment should establish standards for utility corridor placement that minimize environmental damage.**

Standards for emplacement of pipelines, powerlines, and fiber optics lines must be substantially tightened, as described below. No grading should be permitted for pipeline installation or powerline tower pads (except when a reasonably level surface does not exist). Grading also should be prohibited for equipment storage areas and spur roads. Installation should be performed by driving vehicles across the natural surface to deliver pipes and other equipment. This will provide a much better opportunity for vegetation recovery than current practices of blading construction corridors and pads. Fiber optics lines should be placed directly in dirt roads and secondary paved roads as is practiced elsewhere. A new fiber optics line along I-80 in Nevada is restricted to the freeway ROW, and where the slopes are a little difficult and there are steep, deep roadcuts, the line is placed adjacent, within 5 feet or so, of the pavement. These options would be greatly preferable to the presently surveyed, but not yet emplaced, line along the powerline corridor, north side of the Halloran Hills. The powerline road is little-used and unpaved, so why tear up undamaged land when the line can be put in the roadway? Such placements, in secondary unpaved and paved roads, immediately adjacent to major roads, should be declared policy for NECO. (Preservation/Conservation Organization, Sebastopol, CA – #146)



**PC #: 363**

**Public Concern: The CDCA Plan Amendment should establish that utility corridors are excluded from the one percent surface disturbance rule.**

Like highway corridors, utility corridors should be excluded from the one percent rule. Application of the one percent rule to utility corridors within a DWMA, by discouraging their use, defeats the purposes for which they were designated. The one percent rule should be applied only to utilities proposed outside the designated corridors, and within the DWMA. (Utility Corporation, Portland, OR – #144)

**PC #: 364**

**Public Concern: The Final EIS should clarify the siting process for utility corridors.**

The weight given to utility corridors in the siting process should be clearly stated in NECO, and should be fully consistent with other land management plans and policies, such as the California Desert Conservation Plan. In order to plan effectively, utilities need to know to what degree locating within a corridor will tend to override other siting considerations, or whether environmentally preferable routes that happen to be outside the utility corridor should be pursued. Our experience on the North Baja project has led us to conclude that within the BLM, not to mention other regulators and stakeholders, there is a wide divergence of opinion regarding this issue, making it difficult for utilities that merely want to conform with the policy to understand how best to accomplish that. (Utility Corporation, Portland, OR – #144)

**EXPLAIN 5:1 MITIGATION RATIO**

The proposed mitigation ration of five to one (see page 2 of Appendix D), although more convenient than the existing formula, is heavy handed. When siting new transmission and distribution power lines, District environmental staff utilized the desert tortoise category formula to advise District engineering staff concerning placement of proposed power lines. Does BLM have any written documentation as to why the single five to one mitigation ratio was chosen? (Conservation District, Imperial, CA – #80)

**PC #: 365**

**Public Concern: The CDCA Plan Amendment should establish a goal of providing at least five additional utility lines per corridor.**

Based on the current situation in California and surrounding states and countries, this projection does not seem realistic. In the last year alone, the increased demand in California for electrical power generation capacity has been headline news. In response, there have been and will be many new developments that could require crossing the NECO planning area. We would suggest that NECO plan for at least five additional utility lines per corridor; at a minimum BLM should attempt to develop a more realistic projection of future utility needs, perhaps by consulting with the Western Utilities Group or the California Energy Commission. (Utility Corporation, Portland, OR – #144)

**PC #: 366**

**Public Concern: The Final EIS should clarify the definition of the term “restoration” with regard to utility operations.**

In reference to the Appendices, in D and E, the Desert and Utility Restoration Requirements are much too limited. There are not enough specifics regarding what actually constitutes “restoration.” In Appendix E, there is a list of site planning and restoration considerations, which control whether restoration is actually attempted or not, with a sentence on page one pointing out that “restoration is a developing science.” (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 367**

**Public Concern: The Final EIS should disclose specific standards for restoration as a prerequisite for returning bonds to utility operations.**

Standards for restoration must be provided. Appendices E and G need complete revision, as described below. Appendix E, Desert Restoration and Utility Restoration (Appendix D) Restoration requirements are much too



limited. This appendix manages to avoid almost entirely specifying what actually constitutes “restoration.” Instead, a list is given of conditions – under separate headings – of what may control whether restoration is actually attempted or not. The “common applications” item is anemic and wholly free of standards. The “success criteria” provides no criteria for successful restoration except release of bond! It is noteworthy that restoration of tortoise habitat was required in Ivanpah and Shadow Valley Category I habitat crossed by the Kern River (gas) pipeline in 1991; nothing was done to restore habitat and the construction corridor remains today, 10 years later, a much-degraded strip across prime habitat. The bond, however, was returned. Restoration should be bonded at levels appropriate to independent commercial restoration, and monitored to ensure successful restoration for a period of at least 20 years for all graded progress has been made in proactive restoration attempts after 5 years, the bond should be used to hire independent contractors to do the job. Appendix G, Limitation on Cumulative New Surface Disturbance p. 1. It is stated that “As disturbed lands are restored, they will be subtracted from the cumulative total of disturbed lands.” But, “No criteria are set for what would be considered as adequate restoration for a particular site.” That certainly fits Appendix E! It is further stated that “Adequacy of restoration will be determined on case-by-case basis jointly by the BLM and USFWS and does not require full reestablishment of habitat to its pre-disturbance condition.” So, what does it require? A required mitigation for restoration of tortoise habitat in the Kern River gas pipeline construction corridor yielded nothing in the way of restoration. Making the standards even looser is not acceptable. Does the 1% apply to each DWMA separately? How the 1% is distributed is important – a long narrow strip may be more damaging to habitat than small patches with the same total area. Setting criteria for adequate restoration should be done and should be consistent with proactive restoration and monitoring requirements. Using the criteria actually suggested in this Appendix means that restoration bonds will not be returned for decades (which is likely appropriate). (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 368****Public Concern: The CDCA Plan Amendment should establish a standard to protect the Imperial Irrigation utility corridor.**

The District is very concerned about the depicted “Utility Corridors” Map that is shown on the large map 2-1, Appendix A. It does not include all of the District’s existing transmission lines within the NECO planning area. The District’s northeast-southwest transmission facilities serve a critical need for infrastructure for people living in the District’s service area which includes all of the Imperial County and portions of Riverside County. We would like a specific clause and similar utility corridor treatment for maintenance/upgrades to our existing transmission lines in the proposed management areas. (Conservation District, Imperial, CA – #80)

**PC #: 369****Public Concern: The Final EIS should provide additional analysis of safety impacts from limiting vehicle parking on county roads.**

The County has concerns with the implementation measure regarding vehicle parking restrictions due to public safety concerns. Where these restrictions are intended to apply to County roads, there is a concern that such restrictions may create liability issues for San Bernardino County. The County is particularly concerned with any provision that severely limits the bands of accessible area bordering County roads, such as the 30 feet band proposed in the “Small DWMA Alternative.” Of the alternative approaches presented in the Plan, the access band of 100 feet as presented in the “Preferred Alternative” is of preference to the County. (County Land Use Department, San Bernardino, CA – #C165)

**PC #: 370****Public Concern: The CDCA Amendment should continue to allow recreational gem collecting activities.**

I belong to the Kaiser Rock and Gem Club who visit many sites upon the Public Lands to search for and collect gem stones for polishing and making into jewelry, mostly for hobbies. Such activity does not disturb the naturalness of the desert nor harm any flora or fauna. I request that you use your good office to continue to allow this and other activities which have made the Public Lands useful to all without harming the environment or animals. (Individual, Rialto, CA – #C59)



**PC #: 371****Public Concern: The BLM should consider the needs of disabled visitors.**

The significant loss of motorized recreation and access opportunity due to area closure with travel on designated routes only will contribute to a significant cumulative impact on the public's opportunities to see and enjoy the historic mines, trails, and roads in the area. In addition to the impact on typical forest visitors, this impact is particularly severe on the handicapped, elderly, and physically impaired visitors. Handicapped, elderly, or physically impaired, can only recreate on motorized roads and trails and recreation opportunities must be considered for them. On November 10th, 1998, President Clinton signed Public Law 105-359, requiring the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve access for persons with disabilities to outdoor recreation opportunities made available to the public. (Recreation Organization, Helena, MT – #C296)

**PC #: 372****Public Concern: The BLM should restrict use of firearms within Desert Wildlife Management Areas.**

The BLM is empowered by Congress by section 302(b) of the Federal Land policy and Management Act to "designate areas of public land. . . where, and establish periods when, no hunting. . . will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law." 43 U.S.C 1732. The Recovery Plan calls for limiting the discharge of weapons except for hunting of big game or upland game birds from September through February (p. 57, Recovery Plan). None of the NECO Plan Alternatives implement this aspect of the Recovery Plan. The Plan ignores the Secretary's statutory authority and fails to use that authority to further the purpose of species conservation as required by section 4(f) of the Endangered Species Act. (Preservation/Conservation Organization, Oakland, CA – #C167)

**PC #: 373****Public Concern: The CDCA Plan Amendment should designate the NECO area as off limits to target shooting.**

Target shooting. The NECO area should be closed to target shooting (except for hunting of game in conformance with law or regulation). The appropriate place for target practice is a shooting range where the safety of participants and the public is protected. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 374****Public Concern: The Final EIS should evaluate hunting opportunity impacts resulting from proposed route closures.**

Impacts on Hunting Recreation . The EIS claims that there is no support for the contention that "washes closed zones" will have a significant effect on hunting opportunities. Again, there is no technical data underlying this assertion in the EIS. On the contrary, for the same reasons listed in item 9, above, closure of washes to motor vehicles may have a profound adverse effect on those hunters whose physical limitations force them to rely on motor vehicles for access to their favored hunting areas. The EIS states that: "If the approved route network provides reasonable access to substantial portions of the areas open to hunting, then such route designations would not be deemed as significantly affecting opportunities for hunting." (p. 4-74). Terms such as "reasonable access" and "substantial portions" are vague and difficult to assess without more precise evaluative criteria. In addition, these terms appear to assume the physical capabilities of the "average" hunter (who is undefined), without accounting for those hunters who are not physically able to hike moderate distances in the desert. This assumption is confirmed by the EIS statement, at pages 4-74 — 4-75, which provides as follows: "Although the motorized component of the hunting experience would be somewhat limited, the hunting experience itself would be little constrained. Hunters able to walk short to moderate distances could still pursue this activity throughout virtually the same area as previously hunted." (Emphasis added). The EIS then states that those less able to walk would still have ample opportunity to hunt, albeit in fewer areas. (p. 4-75). But this last statement is not supported by any evidence or analysis. As indicated above, the EIS must weigh the environmental benefits of the proposed route closures against the impacts to public access and recreation resulting from those closures. (Recreational Organization, San Diego, CA – #C168)



**PC #: 375****Public Concern: The CDCA Plan Amendment should establish seasonal restrictions on hunting in the NECO area.**

Sport hunting is a legitimate and appropriate form of public enjoyment on BLM lands. In California, the Department of Fish and Game generally regulate such activity. Congress authorized the Secretary to control and or close hunting on public land. This authority imposes on the BLM the responsibility to manage the take of wildlife in compliance with other applicable laws. The Endangered Species Act is one such law. If the NECO Plan contained an alternative limiting hunting and the discharge of weapons to specific game animal seasons, the Plan would at least recognize the Recovery Plan, but it does not. The BLM has already limited times of the year when weapons may be discharged on some public lands in the California Desert to protect desert tortoise by the BLM fails to do so in the NECO Plan. (Preservation/Conservation Organization, Oakland, CA – #C167)

**PC #: 376****Public Concern: The CDCA Plan Amendment should allow recreational activity in desert washes.**

NECO plan states: In the southern portion of the planning areas the task of identifying individual routes for inclusion in the NECO inventory was considered unreasonable to undertake. Consequently, washes are addressed in terms of "Wash Zones". CA4WD takes exception that an inventory of washes is "considered unreasonable to undertake." This is land that the hunters, four wheelers and other various users recreate and use on a regular basis. The information that there is damage to a wash by vehicles is anecdotal. When storms hit an area's nature does its own cleansing of washes. To do blanket closures is not acceptable. There needs to be documentation that a species of concern is actually in a specific wash for that wash to be closed. (Recreational Organization, Victorville, CA – #C91)

Rock hounding has been a love of mine for a good many years; about 50, not quite 50; and I have benefited from that mentally and physically and emotionally. It's helped me tremendously. It's kept my interest in nature and it has kept me learning. Two years ago I started silversmithing and I'm not doing too bad a job. I'll never do it for a living because I'm too slow, but I do enjoy it and really, really like it. I like to cut rocks, to grind them, to polish them, and it's just a never-ending joy to be able to do it and to turn out something that looks very, very good; and I plead with you leave some of these washes open. (Individual, Needles, CA – #C98)

**PC #: 377****Public Concern: The BLM should designate established camping areas as exempt from the 100 foot vehicle camping limit.**

The proposed limitation of stopping, parking, and vehicle camping within 100 feet from the centerline of all roads in a DWMA is not reasonable in many areas. There are several established camping sites that have been used for years and show visible evidence of the impacts caused by camping. Some are even shown on previously published maps as camping areas. One area in particular is the well established vehicle camping area near the Hauser Geode Beds. When groups of geology students, boy scouts, and rockhounds that use the area, arrive for a holiday weekend, the number of vehicles can exceed 50. One weekend the total exceeded 80 vehicles. It simply does not make sense to force the vehicles to move from an established camping area and thus impact other areas along the roads. We strongly suggest that you designate the established camping areas as being exempt from the 100' vehicle camping limitation. (Recreation Organization, No Address – #C58)

**PC #: 378****Public Concern: The BLM should justify its proposal to close the mine in the Trilobite Wilderness.**

Map 25 690360 is a good route and provides access to the Trilobite Wilderness. Would like to see the documentation that the mine has sufficient levels of bets for closure. (Recreational Organization, Victorville, CA – #C91)



**PC #: 379**

**Public Concern: The Final EIS should clarify that educational or recreational casual use is not subject to the one percent surface disturbance limitation.**

While BLM staff has stated that the 1% maximum surface disturbance will only apply to projects requiring a permit, the potential establishment of fees for all use of public lands could put casual educational and recreational use in the category of requiring a permit. This must be clearly stated in the Final EIS so no misunderstandings can occur in the future. Casual use should not be considered as a part of the 1% surface disturbance limitation. (Recreational Organization, CA – #C58)

**PC #: 380**

**Public Concern: The BLM should clarify how the parking limit of 100 feet from the centerline will be determined on desert roads.**

Ch. 2-21, 2.2.4.3 (mm) The plan proposed for stopping, parking, and camping to be allowed within 100 feet of route centerline within proposed DWMA's. How will this be determined on dirt roads? See above comment (Ch 2-17, 2.2.2.3), as well. (U.S. National Park Service, Oakland, CA – #C42)

**PC #: 381**

**Public Concern: The CDCA Plan Amendment should prioritize military equipment removal in order to maintain recreation access.**

Even though the DEIS states that the Navy only uses less than 1% of the area to perform their military exercises they must mean a rotating 1% area. Please see attachment 2. We are traveling on the gas line road when we see we can no longer freely observe the wild javalina as we have for the past 20 years in this area. The land is closed off because of live military explosives are out there somewhere. Why does the BLM simply close off this land instead of having the military identify and remove the explosives? The land closed off to motorized vehicles is approximately one mile south of the bombing range boundary. (Preservation/Conservation Organization, Desert Center, CA – #C87)

**PC #: 382**

**Public Concern: The BLM should ensure that opportunities for earth science oriented education continue.**

During the overall desert management process, we lost approximately 25% of our educational and recreational collecting areas when the National Parks were enlarged and the National Preserve was created. Approximately 25% were included in the Wilderness Areas where access is very difficult. Enlargement of military areas, transfer of federal land to state parks, creation of Areas of Critical Environmental Concern, and other management restrictions to access took another 6 to 8%. It is time to stop what appears to be an attempt to eliminate earth science oriented education and recreation on public lands. (Recreational Organization, No Address – #C58)

## **Natural Resource Commodities**

**PC #: 383**

**Public Concern: The BLM should address the impact to the United States defense resulting from natural resource extraction restrictions.**

One can only suspect that the ultimate goal in denying access to these and other public lands is to hinder the defense of the United States by shutting up the minerals, chemicals, oil, natural gas, and other materials vital to such defense. (Individual, No Address – #C149)

**PC #: 384**

**Public Concern: The CDCA Plan Amendment should retain public access for mineral exploration, timber, and recreation.**

It is not necessary to close the land to protect the environment. We need our natural resources which means mineral exploration, timber, and recreation. Recreation is a resource sorely needed in this society. The present technology

and laws on the books will protect the environment. Mining can be controlled and all the backcountry people I have spoken with want the existing roads and jeep trails kept open and in the desert areas washes. (Individual, No Address – #C69)

**PC #: 385****Public Concern: The Final EIS should examine project alternatives and mitigation measures for mineral resources in the Plan area.**

We recommend that the FEIS examine project alternatives and mitigation measures that would avoid the complete loss of known resources in the Plan area. (California State Department of Conservation, Sacramento, CA – #C162)

**Grazing Management****PC #: 386****Public Concern: The BLM should evaluate the long-term viability of grazing in the NECO area.**

In the long-term, grazing is not viable in the NECO area anyway. Raising water loving cows here is like trying to raise chuckwallas in Antarctica. (Individual, No Address – #C62)

**PC #: 387****Public Concern: The BLM should indicate how continuous, season-long livestock use has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems.**

The NECO Plan states that “Continuous, season-long livestock use is allowed to occur only when it has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems.” Please indicate how this has been demonstrated. (Preservation/Conservation Organization, Yuma, AZ – #C95)

**PC #: 388****Public Concern: The BLM should consider the livestock grazing management plan prepared by Dr. Wayne Burkhardt and Dave Thomson as an alternative in the Final EIS.**

Enclosed is a copy of the grazing proposal prepared by Dr. Wayne Burkhardt and me. This is the same proposal you saw on 10-30-01 at the TRT meeting in Riverside. I offer this proposal as an “alternative” to the “preferred alternative” for grazing in the NEMO and NECO Plans. This plan is rancher and environmentally friendly, addresses Desert Tortoise Recovery, and costs nothing to implement. Please consider it as an alternative in your NEMO and NECO Plans. (Individual, Rancho Cucamonga, CA – #C295)

**PC #: 389****Public Concern: The BLM should justify the application of any grazing utilization guidelines.**

It is also necessary to fully justify, with appropriate citations, the application of any [grazing utilization] guidelines as they pertain specifically to NECO. (Preservation/Conservation Organization, Sebastopol, CA – #C146)

**PC #: 390****Public Concern: The Final EIS should incorporate all grazing utilization guideline sources into the List of References.**

On p. 2-11, none of the references cited for [grazing] utilization guidelines is in the List of References. (Preservation/Conservation Organization, Sebastopol, CA – #C146)



**PC #: 391****Public Concern: The BLM should clarify the use of different threshold values for grazing management.**

Ch. 4 P. 18 – The NECO Plan states that “Since the Lazy Daisy Allotment is an ephemeral/perennial allotment, a special authorization could be made for ephemeral (annual plant) forage in years when forage exceeds 350 pounds/acre.” What is the basis of the 350 pounds/acre threshold for making a special authorization for ephemeral forage grazing in ephemeral/perennial allotments? How is this number related to the 230 pounds/acre threshold recommended on Ch. 4, P. 59, which states: restrictions on ephemeral authorizations and grazing in tortoise habitat in years of low annual production (i.e., less than 230 lbs./ac.) would reduce competition for annual forage.” Use of these different threshold values for grazing management is unclear. (Preservation/Conservation Organization, Philadelphia, PA – #C52)

**PC #: 392****Public Concern: The BLM should reduce or eliminate cattle grazing on BLM managed lands.**

Count this as my comment on the draft plan: reduce or eliminate cattle grazing from land you manage. (Individual, El Sobrante, CA – #C119)

**PC #: 393****Public Concern: The CDCA Plan Amendment should implement Alternative A for the greatest reduction of grazing areas.**

Alternative A calls for a greater reduction in grazing than does the Preferred Alternative. For instance, the entire Rice Valley Allotment is to be eliminated in Alternative A compared with a reduction of just 9,264 acres in the Preferred Alternative. These Allotments seem to be marginal grazing areas anyway, and we should look hard at eliminating many of these. (Individual, Davis, CA – #C135)

**PC #: 394****Public Concern: The CDCA Plan Amendment should reduce grazing allotments systematically until large animal grazing in desert regions cease to exist.**

Unless I misread the EIS it would appear that the various alternatives continue to permit cattle grazing. I strongly believe that large-animal grazing in desert regions is completely inappropriate. The Draft Plan states, p. S-20, that under DWMA-A “reducing. . . Lazy Daisy. . . 37% will result in a loss of 709 AUM. . . a 22% reduction in cattle use which is a significant and adverse consequence to the lessee.” I feel and NOT to effect this reduction is simply subsidizing the lessee. It is the lessee’s responsibility, not the public’s, to find alternatives to public-land grazing in desert and other sensitive environments. Worse, the AUM fees are nowhere near the six to eight dollar level that they should be. We are hikers and climbers and our range is from Benson, AZ into the NECO area (and north). As an automatic consequence of our miles of foot travel we see much cattle abuse, not just in riparian areas. Abuse which I suspect is rarely seen by “ranchers” who do not visit remote range. There should be predictable, systematic reductions, by percentage, in the allotment each year, and the lessee would know in advance just what these reductions would be. (Individual, Keller, WA – #C64)

**PC #: 395****Public Concern: The BLM should work with the National Park Service to acquire and permanently retire cattle grazing permits from willing sellers.**

The NPS at Mojave National Preserve is proactively planning to acquire and permanently retire cattle grazing permits from willing sellers. Several of these permits have small remaining portions of the allotment on adjacent BLM land. The NPS prefers to see BLM retire these remnant portions and not allow cattle grazing to continue. These remnants, for the most part, are insufficient in size to foster an economic operation. Fencing would be required to contain cattle within these new smaller areas and to prevent trespass onto adjacent lands. Where the NPS is working to retire grazing we would like to see the BLM cooperate in this endeavor and retire their portions. (U.S. National Park Service, Oakland, CA – #C68)

**PC #: 396****Public Concern: The BLM must provide scientific data justifying any reduction in grazing or change in management of the Lazy Daisy allotment.**

In general this Draft Plan proposed livestock reductions and “temporary shifts” in grazing activities on the Lazy Daisy allotment to “restore soil and vegetative conditions.” Ch. 4 at 34. However the Bureau of Land Management (“BLM”) rangeland assessment shows no need for making these livestock reductions or shifts. Unless the BLM can provide adequate, scientific data justifying any reduction in grazing or change in management such change cannot be made. According to the Draft, grazing on the Lazy Daisy allotment will be reduced by seven percent to decrease use of forage plants within desert tortoise habitat. Ch. 4 at 70. Because the BLM’s own data shows this allotment to be meeting rangeland health standards and guidelines, the BLM can offer no justification for this decision. The BLM’s proposed reduction will severely injure the permittee’s ranching operation and may cause the dissolution of this business. Milton Blair has operated this ranch for his lifetime. If this ranching business loses its viability, he will lose his only means of support for his family. If the permittees are forced out of business, many of their range improvements will fall into disrepair, causing environmental damage. The BLM fails to offer any alternative grazing or other mitigation to the permittee for the proposed use loss on the Lazy Daisy allotment. The BLM has failed to include the permittee as an applicant in its Endangered Species Act section 7 consultations. Because this Draft Plan proposes a reduction on the Lazy Daisy allotment, the permittee must be involved in this process. (Individual, Cheyenne, WY – #C140)

The County is opposed to provisions of the plan that impact the ability of livestock grazing operations to continue. The Blair Family and Lazy Daisy Allotment will be negatively impacted. In the case of Lazy Daisy, shrinking the allotment in area, and by utilization ceilings, will have consequences making it impossible to sell, and forcing them walk away will leave them with nothing realized in equity. The NECO should commit the government to finding a way for these ranchers, a presence on the land for decades, to either retain an economic operation with appropriate range management and not exclusions and reductions, or to seek funding to liquidate them. The EIS is lacking information as to whether such grazing, at the current levels and management, has any net impact on tortoises or other species of interest in NECO. (Land Use Services Department, San Bernardino, CA – #C165)

**Mineral Resources****PC #: 397****Public Concern: The CDCA Plan Amendment should implement the Preferred Alternative to allow continued mining activity under existing mineral leases.**

The County supports continued access for mineral extraction subject to existing review procedures affecting mining operations; i.e., the state Surface Mining and Reclamation Act (SMARA), the California Environmental Quality Act (CEQA) and applicable federal regulations. The “Preferred Alternative” provides for continued mining activity under existing mineral leases for operations at Bristol, Cadiz, and Danby Dry Lakes. These mineral extraction areas are currently not proposed to be included in the DWMA as we understand the “Preferred Alternative.” The County supports this approach. These areas have a long history of mining activity, and the continuation will not add to further disturbances. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)

**PC #: 398****Public Concern: The Final EIS should provide a full analysis of potential impacts to mineral resource availability and economic opportunities.**

We recommend that the Final EIS (FEIS) make use of the maps and reports that are available, and have been provided to BLM, in assessing the Plan’s impacts on the future availability of mineral resources. Specifically, we suggest that the FEIS include an economic characterization of resources that would be lost as a result of the project. This should include an analysis of the existing supply and demand for the mineral resources, and the effects of the loss of resources due to the project on the future supply and demand for these resources. (California State Department of Conservation, Sacramento, CA – #C162)



**PC #: 399****Public Concern: The Final EIS should address detailed treatment of mineral resources and the NECO plan's impact on these resources.**

The primary focus of the DEIS appears to be on biologic and cultural issues, with only cursory discussion of the planning area's mineral resources, or of the Plan's impacts on those resources. Where mineral resources are treated, they are grouped into broad categories and displayed at a very small scale. Individual mineral commodities are not identified or discussed either on the DEIS' maps or in the text. The absence of detailed treatment of mineral resources is puzzling given the large amount of geologic work that has been done in this area by the U.S. Geological Survey, U.S. Bureau of Mines, U.S. Bureau of Land Management and our own Division of Mines and Geology. Much if not all of this earlier work was done to provide objective data for informed land use decision making during the formulation of the California Desert Act. Therefore, it has great application to the Plan and the DEIS. In addition, during the information gathering stage for this DEIS the BLM consulted extensively with the Division of Mines and Geology with respect to mineral resources. Yet, the Plan and DEIS show little indication that mineral resources were considered during the planning and environmental assessment for this project. (California State Department of Conservation, Sacramento, CA – #C162)

**PC #: 400****Public Concern: The Final EIS should identify documented Marble Mountains mining claim as a mineral resource of high potential.**

Pacific Industrial Properties owns in fee approximately 800-acres in the Marble Mountains northeast of Amboy, California. Specifically, the land is known as Section 17 and the Northwest 1/4 of Section 21, T6N R14E. We discovered while reviewing the referenced plan that this property lies within the very northwest portion of the plan area. The subject property was purchased by Pacific Industrial Properties in 1965 with the intent of developing the mineral resources found on the property. It has been documented by qualified and registered geologists, that the subject property has significant value because of its limestone and dolomite deposit. One geologist has calculated that there is over 50 million tons of high grade limestone and 35 million tons of dolomite on-site. Maps, including the U.S.G.S. quad maps, show mining and prospecting on the site and on adjoining properties. The material is planned to be developed for the use in the production of cement, industrial grade dolomite, and for construction aggregate. The subject property has good access and is only three miles to Route 66 and six miles from the Burlington Northern Santa Fe Railroad Line. We noticed that Maps 3-9, 3-10 and 4-1 of Appendix A of the plan identifies mineral resources. Map 3-9 identifies construction materials, Map 3-10 identifies industrial materials and Map 4-1 identifies high mineral development potential. None of these maps show the subject property as a mineral resource. Since our client intends to develop the property for its mineral resource and it has been documented by qualified professionals, we are respectfully requesting these maps be modified to include the identification of the subject property as a mineral resource of high potential. Mineral resources are natural resources along with water, air, flora and fauna. It is important that there is a balanced conservation, preservation, enjoyment and use of our resources including mineral resources. The conservation, protection and use of our mineral resources is necessary to sustain the American society. Therefore, it is appropriate and necessary to identify all known mineral resources in the plan area including the subject property. (Business, Seal Beach, CA – #C149)

## **Social and Economic Resources**

**PC #: 401****Public Concern: The Final EIS should include an analysis of local county tax revenue impacts.****LOSS OF TAX REVENUE FROM ELIMINATION OF OR REDUCTION IN GRAZING ALLOTMENTS**

The BLM must recognize that in eliminating or reducing livestock grazing use, there is a loss to the County in more than its share of grazing fees. The county collects a Possessory Interest Tax on the allotments, based upon the use made. County revenues shrink if the BLM shrinks the use. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)



**LOSS OF TAX REVENUE FROM REDUCTIONS TO PRIVATE LAND BASE**

The Plan and/or EIS does not adequately recognize potential economic impacts on local government tax base. There appears to be no provision of offsetting or compensating for the loss of tax base. We recommend that the Plan include implementation policy that strives to maintain balance between private lands acquired and public lands disposed (within each county), in order to maintain stability and equity for each individual county's tax base. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)

**PC #: 402****Public Concern: The BLM should address the relationship between individual planning area CDCA Amendments and subsequent impacts on the economy of Kern County.**

Kern County's jurisdiction includes approximately 1.4 million acres of the western Mojave desert and is within the California Desert Conservation District and the West Mojave Plan. The NECO plan includes important areas of the desert such as Joshua Tree National Park. Kern County residents depend on the multiple uses on the surrounding public desert lands for the economic survival of their communities. Policy decisions on the NECO and related NEMO plan will have a direct effect on the ongoing planning efforts of the West Mojave Plan. Many of the matters discussed in this EIS are also subject to the temporary closures and management prescriptions of the BLM settlement agreement with the Center for Biological Diversity. The totality of these actions leaves the final details of the West Mojave Plan as more predetermined than a negotiated public process. Kern County concludes that the regional nature of the NEMO and NECO plan directly affects the decisions of the BLM desert-wide, and therefore is a concern for the economic interests of the County and our citizens. (Kern County Planning Department, Bakersfield, CA – #C79)

**PC #: 403****Public Concern: The BLM should project the Preferred Alternative's loss of Payment in Lieu of Taxes funds to Imperial County.**

In a previous review of the NECO Plan, some specific recommendations were made under the "Land Ownership Pattern" section which stated the following: "... The tax base for local governments may be affected by acquisition of private lands through means other than exchange, or cross county exchanges, or in counties that may lose private tax base, but gain no addition Payment in Lieu of Taxes (PILT) money for Federal acquisitions . . ." This potential loss of revenues to Imperial County is again raised in the NECO Plan, in Chapter 4, page 85, under "Cumulative Impacts", 1st paragraph, third to last line, it states: "... One public cost, highway fencing for tortoise in Desert Wildlife Management Areas, is very high, as well as potential tax base loss for counties . . ." The County would not support any proposed changes by BLM in the NECO Plan that would result in the loss of any PILT funds due to any future BLM public land exchanges. For Imperial County Board of Supervisors review, please provide an estimate of the potential total amount of PILT funds that could be lost by the County for BLM's "Preferred Alternative." (Imperial County Planning and Building Department, El Centro, CA – #C151)

**PC #: 404****Public Concern: The Final EIS should present an analysis of potential local economic impacts.**

Both the NECO and NEMO plans will have a significant economic impact on our desert communities who provided services for visitors. I did not see an economic analysis of how this impact would affect these desert communities, as required. These plans will impact tourism, family recreation (in all forms, including hunting, rock hounding, back country exploring, camping, photography, etc.), mining, the film industry, business development, local government tax bases and so on and nowhere are these effects analyzed. (Recreational Organization, Ridgecrest, CA – #C85)

**PC #: 405****Public Concern: The BLM should analyze the impact of management directions to the future growth and development of local communities.**

We believe that we humans also have a position in the desert and if we choose to develop an area for homes or business without violating the surrounding area, and we own the land, we should be allowed to do so without



cumbersome and wordy environmental statements or lengthy and drawn-out U. S. Fish and Wildlife Service reviews or worse yet, being told that we cannot do anything with land that we have surrounding the existing community, which only uses some seven acres at present for the businesses and residences. The community needs to grow in a reasonable and moderate manner without undue compensation for disturbance. These restrictions, if adopted and implemented, will strangle future growth and development in the desert lands. We have lived for many years in harmony with our neighbors, and we can continue to do so even with expansion. (Individual, Indio, CA – #C137)

One other problem that I must address is regarding the impact on future development. I am concerned that this plan would hinder positive development, such as adequate housing and more grocery stores; we have only one grocery store in Blythe. I feel the plan would also discourage people from moving here. (Individual, Blythe, CA – #C147)

**PC #: 406**

**Public Concern: The Final EIS should analyze of the economic impacts route closures will have to off-road vehicle related businesses.**

Off-road vehicle related businesses in California contribute more than 3 billion dollars annually to the economy, yet the Draft EIS fails to address the deleterious economic effects that will result from the cumulative impact of these and other proposed and past closures of recreational access. (Individual, Oceanside, CA – #C48)

**PC #: 407**

**Public Concern: The BLM should prioritize enforcement over new restrictions in response to motorized access violations.**

The purpose of this process is to preserve and protect this natural resource for our future generations, but certainly not at the expense of our enjoyment, utility or access today. The vast majority of us who travel in the desert do so with respect for the environment. Those who do not respect the desert are an enforcement problem and should be dealt with accordingly. (Robert Crain, Mayor, Blythe, CA – #C158)

**PC #: 408**

**Public Concern: The Final EIS should analyze the social and economic impacts of route closures to motorized recreationists.**

Preferred Alternative's Impacts On Aesthetic Experience . Missing from the EIS is any discussion of the Preferred Alternative's impacts on the aesthetic experience of desert visitors who use their OHVs to access remote areas within NECO. The EIS assumes that all OHV routes provide the same type and amount of aesthetic pleasure to the person driving or riding in the vehicle. This is false for at least two reasons. First, while some OHV users travel these routes for the sheer pleasure of driving through desert terrain, others travel these routes to reach remote areas that are otherwise inaccessible by foot. Once they arrive at their desired location, these OHV users get out of their vehicles to hike, hunt for rocks, take photographs, explore, etc. By closing these routes to OHVs, the Preferred Alternative eliminates these highly valued aesthetic experiences for many people. Second, not all OHV routes are equal in the driving and/or aesthetic experience they provide. The EIS fails to assess whether the routes slated for closure provide rare or highly desired driving and/or aesthetic experiences. Such an analysis is necessary to determine (a) whether other routes should be closed so that these more desirable routes can be preserved, and (b) whether the benefits of the route closures – which are themselves not well-articulated in the EIS – outweigh the aesthetic impacts caused by the closures. (Recreational Organization, San Diego, CA – #C168)

Many residents have chosen to live in this great state and work at reduced income levels in order to enjoy the motorized recreation opportunities that our public lands provide. Now with the cumulative impact of so many motorized closures, this benefit is greatly diminished and the quality of life has been significantly impacted. The document must evaluate the cumulative effect of all management decisions that contribute to social and economic impacts on motorized recreationists. Decision-making must be based on mitigating the cumulative socio-economic impacts that past decisions have had on motorized recreationists. (Recreational Organization, Helena, MT – #C296)



**PC #: 409**

**Public Concern: The BLM should develop a plan to use OHV gas tax monies to support OHV recreation and motorized vehicle impact mitigation.**

Fuel Used for off-road recreation in California is estimated at 181,056,533 gallons per year (Report ORNL/TM-1999/100, Federal Highway Administration). Assuming a typical refund of \$0.2775 per gallon for off-road fuel use to account for the value of improvements and programs that purchasers of OHV gas do not receive through the federal highway program. Therefore, about \$50,243,188 is paid by off-road recreationists in fuel tax each year and should be available to support OHV recreation. This amount of annual funding would be sufficient to address all OHV mitigation, maintenance and educational projects necessary to protect the environment and meet motorized recreationists needs. However, very little of this money is returned to OHV recreation. Therefore, OHV recreationists have a substantial funding mechanism in place in the form of gas tax, yet very little of this tax is returned to OHV projects. Federal and state agencies must evaluate why the OHV gas tax system does not function to serve the needs of OHV recreationists. Then a plan should be developed and implemented that will use OHV gas tax monies to address the needs of OHV recreationists. The document must evaluate justice issues surrounding the use of OHV gas tax monies for purposes not related to OHV recreation. The document must evaluate the cumulative effects on motorized recreationists of diverting OHV gas tax monies including the impacts associated with; the lack of maintenance, the backlog of maintenance, the lack of mitigation projects, the lack of education and management programs, and the resulting loss of OHV opportunities and reduced quality of life for OHV recreationists. (Recreational Organization, Helena, MT – #C296)

**PC #: 410**

**Public Concern: The Final EIS should include a cost-benefit analysis of fencing proposals and should limit actions appropriately.**

The fencing of county roads proposed in the Preferred Alternative could be a significant cost for San Bernardino County, unless federal funding were made available. The County believes it is not practical to fence the entire periphery of the Desert Wildlife Management Area. It appears that this would not be cost-effective, based on benefit, with what may be limited funding to implement the Plan. While laudable and an action that will assure public awareness of the existence of the Desert Wildlife Management Area, we question whether funding such a project in this remote area, where some degree of public use is still going to be permitted, is economically justified for expenditure of public funds. We would suggest a modification to the extent that fencing may be installed in areas where trespass and severe degradation is occurring from incursions. (Land Use Services Department, San Bernardino County, San Bernardino, CA – #C165)

## **Cultural Resources and Tribal Concerns**

**PC #: 411**

**Public Concern: The BLM should ensure appropriate consultation with Native American tribes that have a cultural affiliation with areas affected by NECO before the Plan is finalized.**

Native American Consultation Copies of the plan were evidently sent to various Native American groups for comment. I doubt that this represents an adequate effort to obtain the views of these groups. Native American concerns are often not limited to specific locations. Rather, Native American cultural and religious properties are generally found within larger environmental contexts. Development of general plans, such as the one under review, often provide the most opportune occasion for anticipating, planning for and addressing Native American concerns. I would urge the Bureau to pursue additional and proper consultation with tribes who have cultural affiliation with plan area before the plan document is finalized. (California State Department of Parks and Recreation, Sacramento, CA – #C142)



**PC #: 412**

**Public Concern: The Final EIS should include provisions that address the preservation of historical and cultural sites.**

This NECO plan fails entirely to address historical preservation yet it is intimately linked to vehicle management. The Sierra Club can think of no vehicle event in the CDCA that complies with the National Historic Preservation Act and the BLM's Memorandum of Understanding with the Advisory Council on Historic Preservation or the BLM's Memorandum of Understanding with the California State Historical Preservation Office. In like manner there appears to be no Vehicle Open Area that is in compliance. (Preservation/Conservation Organization, Whittier, CA – #C94)

**PC #: 413**

**Public Concern: The Final EIS should include scientific data supporting that OHV use and off-road racing events impact sensitive historical or cultural resources.**

OHV Impacts on Historical and Cultural Resources : Identify all data showing that OHV use has resulted in significant adverse impacts on sensitive historical or cultural resources. Provide data showing the extent to which sensitive historical and/or cultural sites have been looted, vandalized or otherwise damaged by visitors to the NECO area. (See, p. 4-45 – 4-47) Race Event Impacts on Historical and Cultural Resources : In discussing the No Action Alternative, the EIS once again alleges that OHV use – this time in the form of off-road racing – results in damage to sensitive historical and cultural resources. Again, however, no data is given to support this allegation. Please provide evidence that off-road racing events have resulted in significant damage to any identified cultural or historical site (including archeological sites). (p. 4-47) (Recreational Organization, San Diego, CA – #C168)

**PC #: 414**

**Public Concern: The BLM should preserve sites of western heritage and cultural significance.**

We are concerned about the preservation of old mines, cabins, settlements, railroads and other features used by pioneers, homesteaders, loggers, settlers, and miners. These are important cultural resources and should not be removed from the landscape. Western culture and heritage has been characterized by opportunities to work with the land and preservation of any remnants of this culture and heritage is important. Current land management practices are not adequately protecting western culture and heritage including the opportunity to work with the land. (Recreational Organization, Helena, MT – #C296)

**OPEN MOTORIZED ACCESS LOOPS WITH INTERPRETATIVE DESTINATIONS**

In addition to taking steps to protect our local western culture and heritage, federal agencies should implement travel plan alternatives that include these features as part of motorized interpretative destinations and loops. (Recreational Organization, Helena, MT – #C296)

**PC #: 415**

**Public Concern: The Final EIS should analyze the impacts of route closures to the preservation of western culture.**

Forest visitors use all of the motorized roads and trails that exist today. The use of this network of motorized roads and trails is part of local culture, pioneer spirit, heritage and local tradition. The quality of life for the multiple-use public is being impacted by the cumulative effects of all motorized access closures. The significant closing of motorized routes in the project area does not meet the basic requirement of the National Environmental Protection Act of 1969 as stated in "Sec. 101 (b) (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities." A high standard of living includes recreation opportunities that meet the needs of motorized visitors. We do not understand why this area and many others in our public lands cannot be shared with all forest visitors. The environmental document must evaluate the current allocation of motorized versus non-motorized recreation and access opportunities in our public lands. A fair allocation would be based on meeting the needs of non-motorized and motorized visitors equally. The decision-making must provide for a high standard of living and equivalence in quality and opportunity for motorized visitors in comparison to non-motorized visitors. The environmental document must evaluate the impact of this proposed



action and the cumulative impact of other decisions on environmental justice and the standards of living for multiple-use and motorized visitors. (Recreational Organization, Helena, MT – #C296)

**PC #: 416****Public Concern: The Final EIS should evaluate utilizing multiple-use management principles to protect western culture and values.**

We are fortunate to have extensive public lands to support the western culture. Western culture must be protected. We respect the use of public lands by others but they cannot trample our rights in return. Multiple-use management principles will protect western culture and values and the decision-making should be based on implementing a multiple-use alternative. The document should evaluate the multiple-use measures required to protect western culture and values. (Recreational Organization, Helena, MT – #C296)

**PC #: 417****Public Concern: The BLM should critically evaluate the adequacy of historic property information and methods for data collection.**

The plan does not critically evaluate the adequacy of this information [historic property information] or otherwise identify any limitations it may have. As examples, please consider the following: 1. The historic property data in the plan derives from information gathered from a variety of sources over extended time spans. 2. With some exceptions, survey data was not derived from systematic approaches intended to provide complete coverage of the areas subject to survey. 3. Much of the information was developed in connection with specific undertakings concerned with addressing project effects. 4. Much of the data was collected using outdated standards. I believe that the plan should have explicitly noted these circumstances and should have indicated how these factors may have affected the adequacy of the historic property information as presented. (California State Office of Historic Preservation, Sacramento, CA – #C142)

**PC #: 418****Public Concern: The Final EIS should outline methods for historical property data collection and disclose the relationship between the data and resource management directions.**

The plan was evidently initiated in 1994. At what point in the plan's development were the basic decisions made on what type and level of historic property information should be developed for the plan? Was timely consideration given to the need for conducting surveys or for using other appropriate approaches in an effort to identify historic properties? It seems to me that such surveys ought to have been part of plan development and that appropriate allowances should have been made for conducting such surveys and incorporating the results into the plan. Without some information – quantitative and otherwise – derived from a contemporary survey effort, I am not sure how valid some of the plan's conclusions are. For example, the plan states that livestock can adversely affect cultural resources and suggests that the greatest effects occur where cattle congregate. It would be useful to know whether and why these conclusions hold true for the allotment that is proposed for elimination. I would make a similar observation with regard to wild horse and burro management and to management of the desert tortoise. The conclusions drawn by the plan with respect to these concerns would have been rendered more convincing had they been supported with data from surveys conducted in conjunction with plan development or pursuant to the requirements of applicable Section 106 agreement documents. (California State Office of Historic Preservation, Sacramento, CA – #C142)

**PC #: 419****Public Concern: The BLM should establish a comprehensive, long-term planning strategy to manage historical properties.**

The plan proposes to address effects on historic properties on a case-by-case basis. I urge the Bureau to reconsider the wisdom of this approach and to consider instead an approach that emphasizes the development of a clear direction, goals and objectives for long-term planning. (California State Office of Historic Preservation, Sacramento, CA – #C142)



**PC #: 420****Public Concern: The BLM should not close access routes to sites of historical interest.**

Our main concern is blanket closing of large areas, making them available by foot or horseback, where there is outstanding historical things to see. One site is McCoy Spring on the west side of McCoy Mountains and Palen Tank on the east side of Palen Mountains. Both of these are of historical interest to local people as well as winter visitors. I have never seen Palen tank on a BLM map and it is probably the most outstanding site of the area. It is unfortunate that these can't be made available by a corridor road to them. The location of these would make it difficult for vehicular damage to be done to them. We find it surprising that BLM hasn't done something with old Ft. Piute in the Piute Mountains northwest of Needles. It may be private property but is certainly an important archeological and geological site since it is one of few running springs in the desert and the significance of why the spring is there. There are numerous petroglyphs there along with the old fort. (Individual, Blythe, CA – #C26)

**PC #: 421****Public Concern: The BLM should close all routes where travel may potentially impact surveyed cultural resources to facilitate further analysis.**

Under the Preferred Alternative, 444 cultural resources have been identified as located on BLM managed lands and falling within 600 feet of Area of Potential Effect for routes that are under review for "open" designation outside Desert Wildlife Management Areas. 68 are located within Desert Wildlife Management Areas. Of these, 153 sites have either been listed, determined eligible, or are considered likely to be eligible and 131 of these sites are considered to have qualities and values that might be adversely affected by activities authorized within the Area of Potential Effect of a route. In this Preferred Alternative, "119 route segments have been identified as having potential conflicts with cultural resources." These segments should all be designated "closed" pending a physical assessment of the sites and evaluation of the threat that proximity to an open route might pose. These cultural resources are a valuable part of the heritage of Native Americans and of all future generations. To leave them unsurveyed and unprotected is to risk losing them forever, as has happened in too many other portions of the California desert. Please protect what we have left. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 422****Public Concern: The BLM should protect cultural resources by permanently closing routes in the Johnson Valley to Parker Race corridor.**

In Chapter 4, page 47, the document states that in the Johnson Valley to Parker race route corridor, archeological reconnaissance surveys were done. There were archeological sites as well as "districts" identified. At the time of the survey, the Heritage Conservation and Recreation Service commented on the inadequacy of the reconnaissance survey and expressed concerns about protection of significant cultural resources in the race area and impacts to areas containing values important to Native Americans. The presence of cultural resources within the Johnson Valley to Parker racecourse provides additional reasons why the routes in these areas should be eliminated. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 423****Public Concern: The BLM should define "reconnaissance surveys."**

What are reconnaissance surveys? There is no place in the document where these are defined. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 424****Public Concern: The BLM should protect glacial/pluvial lakebeds for archeological potential.**

Please note that glacial/pluvial lake beds are often productive areas for early human artifacts in the arid western United States, and this should be given special consideration in protecting these areas because of the scarcity of early human sites. (Preservation/Conservation Organization, Yuma, AZ – #C95)



**PC #: 425**

**Public Concern: The BLM should eliminate the Lazy Daisy and Rice Valley grazing allotments to protect known and unknown cultural sites.**

In relation to grazing management, in Chapter 4, page 43, it is stated that the BLM's knowledge of cultural resources within the boundaries of the four grazing allotments in the NECO planning area is "limited." This lack of information will lead to further degradation and loss of cultural sites. We strongly recommend an alternative that eliminates the Lazy Daisy allotment because in Chapter 4, page 79 it is stated that there are 45 recorded cultural sites within the reduced allotment boundaries in the Preferred Alternative. The BLM should eliminate the Rice Valley allotment for the protection and preservation of the seven known cultural sites and for the protection of the resources that have yet to be recorded. (Preservation/Conservation Organization, San Diego, CA – #C141)

**PC #: 426**

**Public Concern: The CDCA Plan Amendment should emphasize the preservation of Native American cultural resources.**

While the plan and Draft EIS include some positive elements, they also contain some critical shortfalls that, if implemented, could jeopardize areas of great concern to the Quechan people. The proposed Plan, an amendment to the California Desert Conservation Area Plan of 1980 (CDCA Plan), has the potential to adversely affect known and undiscovered cultural resources of great value to the Tribe in and around the Indian Pass area, as well as at other locations within the CDCA Plan. While we understand the creation of the NECO Plan is primarily driven by endangered species concerns, aspects of the Plan, such as those dealing with proposed land ownership patterns, resource access/regulatory burden, routes of travel, and other issue areas may have serious consequences to the integrity of cultural resources of concern to the Quechan Tribe, and other Colorado River Tribes. This is of particular importance as the Plan creates an overall framework for managing and allocating public land resources and uses in the Planning Area for a number of years. (Plan/DEIS Ch. 1 Pg. 2). (Counsel to the Quechan Tribe, La Jolla, CA – #C89)

There is an advisory council, and as to our preservation report that just came out . . . it's titled "Caring for the Past, Managing for the Future, Federal Stewardship in America's Historic Legacy." What it says, in a nutshell, after doing two years of research and interviewing with federal agencies is that the feds can and should and must do more to protect and preserve our cultural heritage, that maybe they should be looking upon this as being part of their mission. And it's certainly – the basis of the stewardship is in the National Historic Preservation Act, section 110, which I know that BLM is familiar with. (Coachella Tribal Council and Cultural Committee, No Address – #C55)

**PC #: 427**

**Public Concern: The BLM should conduct surveys to identify cultural resources within the CDCA Plan area.**

The Tribe has several concerns with the proposed Plan amendments, Draft EIS and it interface with BLM's Section 106 and 110 responsibilities. First and foremost, to our knowledge, very little of the CDCA Plan area has ever been surveyed for cultural resources. In fact, the Plan and Draft EIS itself acknowledges that the 1980 CDCA planning effort had a survey coverage of less than 1 percent (Plan/Draft EIS Ch. 3, Pg. 58). Little non-project related surveying has been done in the following twenty years. Thus, it is unclear that BLM even understands the inventory of the surface and subsurface resources held in trust by it for Indian people and the public. Without an understanding of the inventory, how can anyone be assured these fragile resources will be adequately considered, identified, avoided or mitigated? The National Advisory Council on Historic Preservation's recent Report "Caring for the Past, Managing for the Future: Federal Stewardship and America's Historic Legacy," incorporated herein by reference also addresses this concern. For example, the Report's summary at page 4 observes that: By law, Federal agencies must consider historic values in their planning and decision-making. Federal agencies that own or manage resources have stewardship responsibilities. These responsibilities, however, are seldom accorded a high priority by either policy-makers or managers . . . such resources may be viewed not as assets but as unneeded or obsolete management liabilities that strain agency budgets and manpower already stressed to the limit. Decisions made about the disposition of such resources may not fully take into account their historic and cultural significance, their potential use, or their overall value to local communities or the nation. (Counsel to the Quechan Tribe, La Jolla, CA – #C89)

This plan and the Draft EIS don't propose any new surveys, and yet parking, camping, et cetera would be allowed within 300 feet or 100 feet, or I might have read even 60 feet, of a road. And there are cultural resources that are



proximate to these things. Many of the roads used to be Native American trails. So there are some impacts there and I think we need to do a better job of examining that now versus putting it off to some project-driven survey when what we're trying to do according to the scoping that I saw on the screen, was something that's more comprehensive now. So in order to meet your scoping criteria you might want to reexamine this issue. And after all, that's the whole point of having the Draft EIS versus trying to do it on a Section 106 site-by-site basis. And some of those resources may never be captured because you might be doing categorical exemption or exclusion on it. Some of those impacts we heard about today a little bit – protective devices, feeding, exploration, culverts, fences, water troughs, other ground disturbances – and one of my questions would be who's going to make the decision as to when a monitor needs to be there or when a survey should actually be done if you determine that you want to do the site-by-site or project-by-project approach? (Coachella Tribal Council and Cultural Committee, No Address – #C55)

**PC #: 428****Public Concern: The BLM should collaborate with outside sources to ensure proper management of culturally sensitive areas and resources.**

The BLM should be coming to the tribes to discuss some of these proposed changes. And I would say that maybe an approach would be to suggest the three areas that I outlined above and also to let the tribes know what issue areas maybe important to them, what changes are proposed that you may want to get feedback from them because they may have some important data and knowledge that hasn't been tapped into yet. Clearly there's been outrage to rockhounding groups and wilderness groups and some of the recreational groups, but there's other knowledge sources out there as well. There's three members from the Quechan Cultural Committee who are here tonight. I know that Mr. Thompson had been discussing some of these issues with us earlier, but I would encourage BLM to try to get together with the cultural committee of the tribe to discuss some of these issues. (Coachella Tribal Council and Cultural Committee, No Address – #C55)

Only through adequate consultation with knowledgeable people will BLM be able to honor its trust responsibilities and comply with the Section 106 and 110 processes and be advised as to where some adjustments may be needed to avoid culturally sensitive areas and follow its mandate to minimize damage to resources of the public lands. Without adequate surveys and consideration of the past, present, cumulative and potential future physical impacts to this area BLM cannot conclude with any confidence that National Historic Preservation Act compliance has been observed for this proposed action and not improperly deferred to some presently unidentified future time. (Counsel to the Quechan Tribe, La Jolla, CA – #C89)

**PC #: 429****Public Concern: The BLM should manage resources using a landscape-based approach to protect Native American cultural resources.**

There's an opportunity here to do an economy of scale, a landscape-based approach to this, a way to look at these things without drawing attention specifically to this area that has a sensitive and significant cultural resource. If you bundle it with some of these other resources, whether it's wilderness or biology, then you're protecting it without drawing specific attention to it, and that could be a good thing. (Coachella Tribal Council and Cultural Committee, No Address – #C55)

## Technical and Editorial

**PC #: 430**

Recently, by letter from your office and verbally in the Palm Springs NECO workshop, BLM has asserted that Joan Taylor, representing Sierra Club, has continuously participated in and/or supported the NECO planning process for seven years. This assertion is erroneous and needs to be corrected. Enclosed is Mrs. Taylor's August 25, 1999 letter to NECO Plan lead, Dick Crows, resigning from the NECO "Interest Group Committee" and memorializing the fact she had not attended since Fall of 1998 or before. To our knowledge, there has been no regular Club representation on the NECO Interest Group Committee since that time. (Preservation/Conservation Organization, Whittier, CA – #C94)

Page S-2 : What is meant by "substantially removed" in the preferred alternative, which states: "When ephemeral forage production is less than 230 pounds per acre, cattle shall be substantially removed for the DWMA [Desert



Wildlife Management Area]”? “Substantially removed” requires clarification. Page S-2 : Shouldn’t the Preferred Alternative, “When ephemeral forage production is less than 230 pounds per acre, cattle shall be substantially removed for the DWMA” actually read: “. . .from the DWMA” rather than “. . .for the DWMA?” (Preservation/Conservation Organization, Philadelphia, PA – #C52)

Chapter 2, p. 16 – . . . The surface disturbance limit is given as 1% or 3%, which needs to be clarified. (U.S. National Park Service, Oakland, CA – #C68)

Map 226 has left out two military reserves that you need to include. You guys are misleading when you leave out certain of these features of what’s really around there, say this is good land, and then when you actually go there you see high wire, power lines, and canals nobody can get across. When you guys approved that there, you said this place was like an urban area. Now you’re telling us this is the best place in the world to conserve habitat. (Individual, Desert Center, CA – #C172)

I’m uncomfortable with the detail of the maps provided in relation to landmarks and geographic coordinates. From one map it appears that the Red Canyon Trail near the Orocopia Mountains is open on one end and yet slated for closure on the other end; so it’s an open route. (Recreational Organization, Lakeside, CA – #C177)

Attached is a list of Comments specific to the Routes: 690143 Could not find this route; Map 17 The corridor for the Piute Wilderness did not show up on the new map dated 3-9-01; 690368 Could not find route; 690371 Could not find route; 690359 Could not find route; 690385 Could not find route; Map 48 690560 Could not find route; 690561 Could not find route; 690562 Could not find route; 690563 Could not find route; 690577 Could not find route; 690572 Could not find route; 690564 Could not find route; 660962 Could not find route; 60756 Route is Redundant. (Recreational Organization, Victorville, CA – #C91)

National Fallback Standards . The EIS, on page 2-5, refers to the “National Fallback Standards and Guidelines,” but fails to explain what these standards/guidelines are or how they might be obtained. Please provide this information. (Recreational Organization, San Diego, CA – #C168)

There’s a typo throughout the draft DEIS. Quechan is spelled Q-u-e-c-h-a-n, not o-n. (Counsel to the Quechan Tribe, La Jolla, CA – #C55)

At our Annual Directors Meeting in Paso Robles June 23rd, we examined the map delineating the existing educational and recreational collecting areas. Our membership concurred with the map and pointed out that several smaller areas were not shown on the map. We ask that the map be included in the Final EIS with the understanding that inclusion of the map will not restrict our use to only those areas shown. (Recreational Organization, No Address – #C58)

The entire document needs to be reviewed for consistency in spacing and typographical errors. Proper care needs to be given to reference citing and the correct spelling of names, Mr. Lesicka, in particular. (Imperial Irrigation District, Imperial, CA – #C80)

Glossary. Please provide missing definitions, including conservation zones. In the maps, please correct the scientific names for: *Acleisanthes longiflora* (Map 3-7a) *Echinocereus engelmannii* var. *howei* (Map 3-7B) *Pholistoma auritum* var. *arizonicum* (Map 3-7c) *Stylocline sonorans* (Map 3-7d). (Preservation/Conservation Organization, Sacramento, CA – #C93)

At Ch. 2 Pg. 14, the Plan/EIS states that “Existing wildlife guzzlers will be modified to minimize mortality to desert tortoises and other wildlife . . .” How much? What level of mortality is considered acceptable? One per year per guzzler? Two? Three? Why? (Preservation/Conservation Organization, Yuma, AZ – #C95)

Distance Sampling . Describe “distance sampling” as identified on page 3-8. (Recreational Organization, San Diego, CA – #C168)

The following are various misprints and “typos” in the text of the draft EIS document: 1) In the cover page signed by Tim Salt, District Manager, and Chapter 1, page 4, the time schedule for public review must be made consistent. 2) In the Table of Contents, page numbers should be included for the listed items; Appendices do not include “Appendix XXX” (see App. B, 1st paragraph, last line); Appendix C, paragraph 5, line 1, typo “change” should read changed; Appendix M, 2nd bullet, 2nd line, change “form” to read from. 3) Do a “global” search for misspelled words such as “big horn” sheep, “ad”, “soci”, “Quechon” to Quechan, “land owners”, “glen” should be Glen, “Clearing House” should be one word “Clearinghouse”, “Lescika” should be Lesicka. 4) In Chapter 1, page, 2, 5th line, spell out “CEQA”, i.e. California Environmental Quality Act for consistency with following text. 5) In Chapter 1, page 8, Routes of Travel, paragraph 3, last line, change “washes” to wash for consistency within this section. 6) In Chapter 4, page 19, 3rd paragraph, fourth line, “Map 4-2” should read 4-1. 7) In Chapter 4, page 43, 4th paragraph, 1st line, “behaviors” should read behavior, and at the end of the last paragraph there are two “..” periods. 8) In



Chapter 4, page 65, 4th paragraph, 1st line, "Table n-10" should read Table N-10. 9) In Chapter 4, page 66, 4th paragraph, last line, eliminate "off of routes" at end of the sentence. 10) In Chapter 4, page 90, 4th paragraph, "(Berry 19XX)" should this read (Berry 1986) as shown in the References section, page R-1? 11) In Chapter 4, page 105, 2nd paragraph, first line, "my" should be changed to may. 12) In Chapter 4, page 114, 3rd paragraph, second line, "(")" is not explained in the text and should be clarified in the Final NECO Plan and DEIS. 13) On Map 2-1, Utility Corridors, "utility" should read "utility". 14) The spacing throughout document between paragraphs should be reviewed for consistency purposes. (Imperial County Planning and Building Department, El Centro, CA – #C151)

It would be helpful in the final document to portray the ownership and proposed acquisition by county rather than by total in the Desert Wildlife Management (DWMA). The Plan proposes acquisition of private lands within the DWMAs, and in other areas, which total 511,420 acres (in the "Preferred Alternative"). We cannot determine the total extent that is in San Bernardino County. (Land Use Services Department, San Bernardino, CA – #C165)

Permanent Study Plot Data. What biological and impact data have been produced as a result of the "permanent study plots"? (p. 3-8). (Recreational Organization, San Diego, CA – #C168)

Dust generated from the off-road vehicle activities at the newly designated Chemehuevi Open Area is not expected to significantly impact the area because the location is on the most easterly downwind portion of the non-attainment area. After reading the EIS, I could not find where there is there a proposal for Chemehuevi to be an open area. Why is this not in the EIS? (Recreational Organization, Victorville, CA – #C91)

Because a book is often known by its cover, we urge the editor of the maps and photo sections of the FEIS to make appropriate changes. The large pull-out maps (2-31-4) are not acceptable: —the black line around the NECO area has no meaning, and may be legally ambiguous. —maps need grid/location indexes. Preferably range/township; numbers/letter are OK. —a California location map should be included on each (use Appendix A 1-1). —Map colors should be consistent: private land on 2-34 is gray; on others it is tan. There is no orientation to any land outside of NECO (It is not its own planet!). Legend along the left side is a real mish-mash. Zig-zag lines should never be used for boundaries, roads, etc. Colors should be distinct and not change (red and green overlays create brown and block out real differences). All existing items should be grouped, deferred and proposed should be grouped, etc. Photographs fare no better: -Appendix Q: photos #3-#14 are printed (not too well); #1 and #2 are missing. -Photo M-1 appears on last page of Appendix M (unnumbered). -There is a unnumbered photo on unmarked page facing IV. Unfortunately, such mechanical items tend to magnify the "smoke and mirror" feeling of the whole document. As we stated, there is much good material within the Draft. (Individual, Spring Valley, CA – #C136)

In Table 2-2 (Ch. 2, Pg 11), the first two columns appear to indicate rainfall amounts necessary to sustain the "Percent Use of Key" column. The first four column titles need to be more fully defined.

(Preservation/Conservation Organization, Sacramento, CA – #C93)Ch. 2, Pg. 40, #4. Which plan completion starts the one-year clock for the development of the Coachella Valley milkvetch monitoring plan?

(Preservation/Conservation, Sacramento, CA – #C93)Correct the scientific names for *Calliandra enophylla*, *Echinoceraus angelmannii* var. *howei* and *Xylorhiza cognata*. (Preservation/Conservation, Sacramento, CA – #C93)

Technical problems. The text of the NECO Plan and EIS gives the appearance of having been hastily assembled and not proofread. There are many typos and missing words or numbers, for example, "Throughout the Planning Areas [#] artificial waters have been developed . . ." at Ch. 3 Pg. 11). Many references are not in the References section, e.g., Holechek et al., 1998 at Ch. 2 Pg. 11, many of the references in Table 2-2 on the same page, Olendorff 1981 at Ch. 2 Pg. 41, Graff 1988 at Ch. 3. Pg. 4; I won't continue as there are so many examples. At Ch. 3 Pg. 26, the Plan/EIS says that "Some Springs and Seeps have been improved to impound water for drinking by wildlife, cattle . . ." "Altered" would be a more neutral term than "improve" as not everyone would agree that these have been "improvements." (Preservation/Conservation Organization, Yuma, AZ – #C95)

Ch. 1, Pg. 11 – The lead for the Lower Colorado River MSCP is incorrect, it should be the Lower Colorado River Multi-Species Conservation Plan Steering Committee. (California State Department of Fish and Game, Bishop, CA – #C96)Ch. 2, Pg. 41 – The Algodones Dunes are not in the Plan area, why would this HMP be eliminated? (California State Department of Fish and Game, Bishop, CA – #C96)Colorado Valley woodrat The map for this species is in Appendix A, Map 3-6c (not Map 3-4c). This mammal is not a California species of special concern. (California State Department of Fish and Game, Bishop, CA – #C96)Vermilion flycatcher The map for this species, is in Appendix A, Map 3-6d (not Map 3-4d). (California State Department of Fish and Game, Bishop, CA – #C96)Willow flycatcher and southwestern willow flycatcher The southwestern willow flycatcher also breeds in southwestern Colorado and in southern portions of Nevada and Utah. Reword the second sentence of the second



paragraph, as follows: "They may migrate through the Planning Area to and from nesting areas further north." Reword the second sentence of the fourth paragraph, as follows: "They typically forage in willow thickets . . . , but today they often are relegated to marginal riparian areas . . ." (California State Department of Fish and Game, Bishop, CA – #C96) Bendire's thrasher The map for this species is in Appendix A, Map 3-6e (not Map 3-4e). (California State Department of Fish and Game, Bishop, CA – #C96) Crissal thrasher Reword the first sentence of the first paragraph, as follows: "Crissal thrashers occur from southwestern Utah, . . . and south into Mexico." The map for this species is in Appendix A, Map 3-6e (not Map 3-4e). (California State Department of Fish and Game, Bishop, CA – #C96) LeConte's thrasher Reword the first sentence of the first paragraph, as follows: "LeConte's thrashers are distributed . . . southern Utah and western and south-central Arizona, and south into Mexico." Reword the second sentence of the first paragraph, as follows: "A disjunct population occurs in the southern San Joaquin Valley and the Carrizo Plain of eastern San Luis Obispo County, but . . ." The map for this species is in Appendix A, Map 3-6e (not Map 3-4e). (California State Department of Fish and Game, Bishop, CA – #C96) Yellow warbler Reword the first sentence of the first paragraph, as follows: "Yellow warblers nested historically in the Colorado River Valley, but they may no longer breed there . . ." Reword the last sentence of the first paragraph, as follows: "For example, they may have been extirpated from the California side . . ." The map for this species is in Appendix A, Map 3-6e (not Map 3-4e). (California State Department of Fish and Game, Bishop, CA – #C96) Golden eagle In the first paragraph, change the next to last sentence to reflect that California breeding pairs are most common in the central and northern mountainous areas, and the winter distribution is widespread in the state, everywhere at low density. In the third paragraph, the last sentence should reflect that usually "one young, and sometimes two" are raised. The final sentence needs to state that the golden eagle is a "Fully protected" species, under California State law. (California State Department of Fish and Game, Bishop, CA – #C96)

Chapter 1 page 10: Please correct the acronym "HMP" under the Joshua Tree paragraph. It is a typo that should read "GMP." Chapter 1 page 10: Please list the recently completed Joshua Tree National Park General Management Plan Amendment adopted in January 2000. Chapter 1 page 11: Please note that a goal of the Mojave National Preserve GMP is also to implement the Desert Tortoise Recovery Plan, among other things. Chapter 2 page 19: The NPS has already designated all of the undeveloped portions of Joshua Tree National Park as a DWMA, in fulfillment of the Recovery Plan. The DWMA designation does not await the conclusion of the NECO Plan or of the West Mojave Plan as this page of the NECO Plan states. (Preservation/Conservation Organization, Oakland, CA – #C167)

Analytical Models Used in the EIS . Describe the "models" — as well as the data inserted into them — which were used in the EIS. (See, p. 1-2). (Recreational Organization, San Diego, CA – #C168) Confusing Table . Table 2-12 is confusing and does not allow one to compare alternatives. A separate table showing the open versus closed miles for each alternative should be prepared and included in the EIS. (Recreational Organization, San Diego, CA – #C168) Inadequate Tables Regarding Comparative Impacts . Tables 2-12 and 2-13 do not assess the same variables, so they do not permit a proper comparison of alternatives. (p. 2-60). The same is true of Tables 2-12 and 2-14, and Tables 2-12 and 2-15. (Recreational Organization, San Diego, CA – #C168) Fires Caused by Vehicles . How many fires per year are caused by motor vehicles? Of those, how many are caused by OHV's? What data support these findings? (p. 3-8). (Recreational Organization, San Diego, CA – #C168)



## List of Shared Concerns between Projects

The Public Concern Statements identified on this list present the requests, questions, and suggestions submitted by respondents common to both planning areas. These shared concerns are grouped by major headings. Following the base form of NEPA documents, concerns are organized within three section headings: (1) Planning Process/Purpose and Need, (2) Consideration of Alternatives, and (3) Affected Environment and Environmental Consequences. This third section combines the standard NEPA considerations of Affected Environment and Environmental Consequences into one broad category to best reflect public comment. The Affected Environment and Environmental Consequences section is then subdivided into nine topic areas. The NEMO and NECO planning documents employ dissimilar resource headings; thus, the topic areas presented below reflect the Content Analysis Team's synthesis of the planning documents and themes submitted within public comment.

### Planning Process/Purpose and Need

#### Public Involvement/Collaboration

**PC #: 1 (NEMO), PC #: 1 (NECO)**

**Public Concern:** The BLM should extend the comment period to allow for adequate review of proposed plans.

**PC #: 2 (NEMO), PC #: 2 (NECO)**

**Public Concern:** The BLM should adequately notify the public regarding opportunities for participating in the planning process.

**PC #: 5 (NEMO), PC #: 4 (NECO)**

**Public Concern:** The BLM should respond to requests for information.

**PC #: 6 (NEMO), PC #: 6 (NECO)**

**Public Concern:** The BLM should simultaneously provide all relevant planning information to facilitate meaningful public comment.

**PC #: 7 (NEMO), PC #: 9 (NECO)**

**Public Concern:** The BLM should provide accurate maps and route closure information to encourage public participation.

**PC #: 8 (NEMO), PC #: 10 (NECO)**

**Public Concern:** The BLM should provide maps that are sufficient to allow site-specific analysis of every motorized route.

**PC #: 10 (NEMO), PC #: 12 (NECO)**

**Public Concern:** The BLM should eliminate bias against motorized recreationists in the planning process.

**PC #: 12 (NEMO), PC #: 14 (NECO)**

**Public Concern:** The BLM should address the perception that local concerns have been ignored in the planning process.

**PC #: 13 (NEMO), PC #: 17 (NECO)**

**Public Concern:** The BLM should use effective outreach methods for informing motorized users about the proposed Travel Plan.

## **National Environmental Policy Act Process**

**PC #: 16 (NEMO), PC #: 18 (NECO)**

**Public Concern:** The BLM should comply with NEPA regulations to ensure that public comments are not considered as votes during the planning process.

**PC #: 17 (NEMO), PC #: 19 (NECO)**

**Public Concern:** The BLM should investigate and report any misuse of public comments being used as votes in forming decisions regarding the Travel Plan.

**PC #: 18 (NEMO), PC #: 20 (NECO)**

**Public Concern:** The BLM should include motorized recreation planners on the Interdisciplinary Team to ensure a balanced perspective on the Travel Plan.

**PC #: 19 (NEMO), PC #: 21 (NECO)**

**Public Concern:** The BLM should evaluate how nationally funded environmental groups have influenced the NEPA process regarding motorized recreation.

**PC #: 21 (NEMO), PC #: 22 (NECO)**

**Public Concern:** The BLM should use an independent scientific panel for objective assessments.

**PC #: 22 (NEMO), PC #: 23 (NECO)**

**Public Concern:** The BLM should establish a Multiple-Use Review Board to assure that the Final EIS reflects multiple-use management goals and the needs of the public.

## **Documentation, Analysis, and Monitoring**

**PC #: 23 (NEMO), PC #: 29 (NECO)**

**Public Concern:** The BLM should base the Final EIS upon the best available science.

**PC #: 24 (NEMO), PC #: 30 (NECO)**

**Public Concern:** The BLM should recirculate a revised DEIS that provides adequate environmental impact analysis and complies with relevant statutory requirements.



**PC #: 27 (NEMO), PC #: 35 (NECO)**

**Public Concern:** The BLM should conduct a cumulative impact analysis of other projects on the NEMO planning area.

**PC #: 28 (NEMO), PC #: 36 (NECO)**

**Public Concern:** The BLM should coordinate NEMO planning and implementation with related plans to ensure consistency.

**PC #: 30 (NEMO), PC #: 38 (NECO)**

**Public Concern:** The BLM should integrate NEMO, NECO, and WEMO planning documents into one California Desert Conservation Area Plan Revision.

**PC #: 33 (NEMO), PC #: 39 (NECO)**

**Public Concern:** The BLM should update the Final EIS to reflect the National Park Service's general management plans for Death Valley National Park and Mojave National Preserve.

**PC #: 36 (NEMO), PC #: 42 (NECO)**

**Public Concern:** The BLM should ensure that it has the funding and resources to meet multiple-use mandates while protecting the environment.

**PC #: 37 (NEMO), PC #: 43 (NECO)**

**Public Concern:** The CDCA Plan Amendment should clearly identify monitoring objectives and future actions for correcting plan implementation.

**PC #: 39 (NEMO), PC #: 44 (NECO)**

**Public Concern:** The BLM should address the availability of funds to provide effective monitoring.

## **Statutory Authority**

**PC #: 47 (NEMO), PC #: 48 (NECO)**

**Public Concern:** The BLM should verify that the ongoing planning process is in accordance with the Federal Land Policy and Management Act.

**PC #: 48 (NEMO), PC #: 47 (NECO)**

**Public Concern:** The BLM should initiate one amendment for all California Desert Conservation Area planning units.

**PC #: 50 (NEMO), PC #: 49 (NECO)**

**Public Concern:** The BLM should examine proposed route closures for compliance with RS2477.

**PC #: 53 (NEMO), PC #: 50 (NECO)**

**Public Concern:** The BLM should review proposed route closures for accordance with multiple-use management directions.

## **Consideration of Alternatives**

PC #: 58 (NEMO), PC #: 53 (NECO)

Public Concern: The BLM should select the No Action Alternative.

PC #: 61 (NEMO), PC #: 55 (NECO)

Public Concern: The Final EIS should not include additional land use restrictions within the Preferred Alternative.

PC #: 63 (NEMO), PC #: 56 (NECO)

Public Concern: The BLM should draft and implement an alternative that includes all provisions of the Desert Tortoise Recovery Plan.

PC #: 64 (NEMO), PC #: 58 (NECO)

Public Concern: The Final EIS should include a preferred alternative that preserves multiple-use principles including motorized recreation.

PC #: 65 (NEMO), PC #: 60 (NECO)

Public Concern: The Final EIS should include an education alternative designed to reduce and mitigate motorized recreation impacts.

PC #: 66 (NEMO), PC #: 61 (NECO)

Public Concern: The Final EIS should include a Travel Plan Alternative that supports motorized recreation.

## **Affected Environment and Environmental Consequences**

### **General Desert Environment**

No Common Public Concerns

### **Land Designations**

No Common Public Concerns

### **Wild and Scenic Rivers**

No Common Public Concerns

### **Wilderness, Recommended Wilderness, and Released Wilderness**

PC #: 119 (NEMO), PC #: 114 (NECO)

Public Concern: The BLM should reduce or eliminate grazing in wilderness if ecosystems are being damaged.



**PC #: 120 (NEMO), PC #: 116 (NECO)**

**Public Concern: The CDCA Plan Amendment should protect released Wilderness Study Areas.**

## **Desert Wildlife Management Areas**

**No Common Public Concerns**

## **Land Acquisitions**

**PC #: 135 (NEMO), PC #: 134 (NECO)**

**Public Concern: The BLM should consider proposed land acquisitions within the NEMO (NECO) area.**

## **Soil, Water, and Air Quality Resources**

**PC #: 139 (NEMO), PC #: 136 (NECO)**

**Public Concern: The CDCA Plan Amendment should establish guidelines for evaluating the significance of soil sedimentation impacts resulting from natural and unnatural disturbances.**

## **Vegetation/Rangeland Management**

**PC #: 154 (NEMO), PC #: 156 (NECO)**

**Public Concern: The BLM should monitor ecosystem health as it pertains to vegetation.**

**PC #: 155 (NEMO), PC #: 155 (NECO)**

**Public Concern: The Final EIS should address unique features that provide critical plant habitat.**

**PC #: 164 (NEMO), PC #: 169 (NECO)**

**Public Concern: The Final EIS should reflect the pre-disturbance conditions and maintain diversity in the restoration and vegetation process.**

**PC #: 165 (NEMO), PC #: 168 (NECO)**

**Public Concern: The Final EIS should include annual plants as part of the restoration and vegetation process.**

**PC #: 172 (NEMO), PC #: 176 (NECO)**

**Public Concern: The BLM should evaluate methods of controlling tamarisk other than burning.**

**PC #: 173 (NEMO), PC #: 177 (NECO)**

**Public Concern: The BLM should require all visitors to contribute fees for weed abatement programs.**

**PC #: 174 (NEMO), PC #: 189 (NECO)**

**Public Concern:** The CDCA Plan Amendment should implement the proposed Standards and Guidelines for Rangeland Health with additional science based recommendations.

**PC #: 177 (NEMO), PC #: 192 (NECO)**

**Public Concern:** The BLM should develop and adopt a fire management plan.

## **Threatened, Endangered, and Sensitive Species**

**No Common Public Concerns**

### **Floral Species**

**PC #: 193 (NEMO), PC #: 213 (NECO)**

**Public Concern:** The BLM should seasonally exclude sensitive plant species habitat from grazing until studies show impact does not occur.

### **Faunal Species**

**No Common Public Concerns**

### **Desert Tortoise**

**PC #: 227 (NEMO), PC #: 244 (NECO)**

**Public Concern:** The BLM should implement desert tortoise breeding programs to mitigate population decline.

## **Wildlife Management**

**No Common Public Concerns**

## **Human Environment, Recreation, and Travel**

### **Recreation and Access**

**PC #: 249 (NEMO), PC #: 287 (NECO)**

**Public Concern:** The BLM should ensure continued opportunities for multiple-use recreation within the CDCA planning area.

**PC #: 251 (NEMO), PC #: 291 (NECO)**

**Public Concern:** The BLM should ensure recreation access to public lands in spite of private inholdings.

**PC #: 252 (NEMO), PC #: 293 (NECO)**

**Public Concern:** The BLM should improve availability and quality of public information regarding travel plans on public lands.



**PC #: 255 (NEMO), PC #: 296 (NECO)**

**Public Concern: The BLM should consider the needs of local residents when making land-use decisions.**

**PC #: 257 (NEMO), PC #: 301 (NECO)**

**Public Concern: The BLM should consider equally the impacts from various recreational activities.**

**PC #: 258 (NEMO), PC #: 302 (NECO)**

**Public Concern: The Final EIS should evaluate impacts to Desert resources resulting from proposed dispersed recreation limits.**

**PC #: 259 (NEMO), PC #: 303 (NECO)**

**Public Concern: The Final EIS should analyze state-wide cumulative recreation impacts resulting from proposed management activities.**

### **Motorized Recreation**

**PC #: 263 (NEMO), PC #: 304 (NECO)**

**Public Concern: The Final EIS should provide discussion of current trends regarding the reduction of motorized recreation opportunities on public lands.**

**PC #: 264 (NEMO), PC #: 305 (NECO)**

**Public Concern: The Final EIS should provide analysis of public demand for motorized recreation.**

**PC #: 266 (NEMO), PC #: 306 (NECO)**

**Public Concern: The Final EIS should include an analysis of cumulative impacts to motorized recreation.**

**PC #: 267 (NEMO), PC #: 307 (NECO)**

**Public Concern: The Final EIS should analyze cumulative impacts associated with loss of motorized cross-country travel opportunities.**

**PC #: 268 (NEMO), PC #: 308 (NECO)**

**Public Concern: The Final EIS should address the cumulative effect of closing routes within a loop trail system.**

**PC #: 269 (NEMO), PC #: 310 (NECO)**

**Public Concern: The Final EIS should contain an analysis that compares the number of miles and acres available for non-motorized recreation versus the number of miles of roads and trails available for motorized recreation.**

**PC #: 274 (NEMO), PC #: 315 (NECO)**

**Public Concern: The BLM should restrict motorized use to designated areas.**

**PC #: 276 (NEMO), PC #: 316 (NECO)**

**Public Concern:** The BLM should ensure that certain routes remain open to motorized use.

**PC #: 284 (NEMO), PC #: 317 (NECO)**

**Public Concern:** The BLM should ensure that all existing trails remain open for motorized recreation.

**PC #: 285 (NEMO), PC #: 318 (NECO)**

**Public Concern:** To ensure continuing motorized recreation opportunities, the BLM should create new trails when existing trails are closed.

**PC #: 286 (NEMO), PC #: 319 (NECO)**

**Public Concern:** The BLM should maintain and expand the existing trail system in the CDCA planning area.

**PC #: 287 (NEMO), PC #: 320 (NECO)**

**Public Concern:** The Final EIS should ensure that opportunities for motorbike recreation will continue.

**PC #: 288 (NEMO), PC #: 321 (NECO)**

**Public Concern:** The BLM should provide loop trails on public lands for motorized recreation.

**PC #: 292 (NEMO), PC #: 324 (NECO)**

**Public Concern:** The BLM should not use noise from motorized vehicles as a reason to limit motorized activities.

**PC #: 293 (NEMO), PC #: 326 (NECO)**

**Public Concern:** The BLM should ensure adequate trail signing and maintenance along travel routes.

**PC #: 296 (NEMO), PC #: 327 (NECO)**

**Public Concern:** The BLM should eliminate competitive vehicle events in the Desert Wildlife Management Areas.

## **Travel System**

**PC #: 301 (NEMO), PC #: 333 (NECO)**

**Public Concern:** The Final EIS should provide an analysis of impacts to the human environment from closing roads.

**PC #: 305 (NEMO), PC #: 334 (NECO)**

**Public Concern:** The BLM should conduct an on-the-ground assessment of multiple-use values for all existing travel routes.

**PC #: 308 (NEMO), PC #: 335 (NECO)**

**Public Concern:** The Final EIS should disclose decision criteria for road closures.



**PC #: 309 (NEMO), PC #: 336 (NECO)**

**Public Concern: The BLM should revise criteria for road closures.**

**PC #: 312 (NEMO), PC #: 338 (NECO)**

**Public Concern: The BLM should base road closure criteria on the merits of each road.**

**PC #: 318 (NEMO), PC #: 339 (NECO)**

**Public Concern: The BLM should consider road reclassification as an alternative to road obliteration.**

**PC #: 326 (NEMO), PC #: 343 (NECO)**

**Public Concern: The Final EIS should clarify that the BLM has no authority to close county roads.**

**PC #: 327 (NEMO), PC #: 344 (NECO)**

**Public Concern: The Final EIS should ensure the preservation of RS 2477 rights-of-way for future generations.**

### **Route Designation**

**PC #: 338 (NEMO), PC #: 351 (NECO)**

**Public Concern: The BLM should disclose all information relevant to route designation criteria.**

**PC #: 341 (NEMO), PC #: 352 (NECO)**

**Public Concern: To help in making route closure decisions, the BLM should assign "beneficial use" designations to travel routes proposed for retention.**

### **General Human Environment, Utilities, Recreation, and Travel**

**PC #: 346 (NEMO), PC #: 361 (NECO)**

**Public Concern: The BLM should restrict the construction and expansion of utility corridors.**

**PC #: 350 (NEMO), PC #: 371 (NECO)**

**Public Concern: The BLM should consider the needs of disabled visitors.**

**PC #: 351 (NEMO), PC #: 372 (NECO)**

**Public Concern: The BLM should restrict use of firearms within Desert Wildlife Management Areas.**

**PC #: 352 (NEMO), PC #: 376 (NECO)**

**Public Concern: The CDCA Plan Amendment should allow recreational activity in desert washes.**

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## Natural Resource Commodities

### Grazing Management

PC #: 365 (NEMO), PC #: 388 (NECO)

Public Concern: The Final EIS should incorporate the livestock grazing management plan prepared by Dr. Wayne Burkhart and Dave Thomson.

PC #: 377 (NEMO), PC #: 395 (NECO)

Public Concern: The BLM should work with the National Park Service to acquire and permanently retire cattle grazing permits from willing sellers.

### Mineral Resources

No Common Public Concerns

## Social and Economic Resources

PC #: 394 (NEMO), PC #: 404 (NECO)

Public Concern: The Final EIS should present an analysis of potential local economic impacts.

PC #: 395 (NEMO), PC #: 401 (NECO)

Public Concern: The Final EIS should include an analysis of local county tax revenue impacts.

PC #: 397 (NEMO), PC # 408 (NECO)

Public Concern: The Final EIS should analyze the social and economic impacts of route closures to motorized recreationists.

PC #: 398 (NEMO), PC #: 409 (NECO)

Public Concern: The BLM should develop a plan to use OHV gas tax monies to support OHV recreation and motorized vehicle impact mitigation.

PC #: 402 (NEMO), PC #: 410 (NECO)

Public Concern: The Final EIS should include a cost-benefit analysis of fencing proposals and should limit actions appropriately.

## Cultural Resources and Tribal Concerns

PC #: 403 (NEMO), PC #: 412 (NECO)

Public Concern: The Final EIS should include provisions that address the preservation of historical and cultural sites.

PC #: 404 (NEMO), PC #: 414 (NECO)

Public Concern: The BLM should preserve sites of western heritage and cultural significance.



**PC #: 405 (NEMO), PC #: 415 (NECO)**

**Public Concern: The Final EIS should analyze the impacts of route closures to the preservation of western culture.**

**PC #: 408 (NEMO), PC #: 416 (NECO)**

**Public Concern: The Final EIS should evaluate utilizing multiple-use management principles to protect western culture and values.**

## Appendix A – Content Analysis Process

Public input on the Bureau of Land Management's proposed California Desert Conservation Area Plan Amendments for the NEMO and NECO planning areas is documented and analyzed using a process called content analysis. This process is a systematic method of compiling and categorizing the full range of public viewpoints and concerns regarding a plan or project. Content analysis is intended to facilitate good decision-making by helping the planning team to clarify, adjust, or incorporate technical information into preparing the Final EISs and Amendments. All responses (i.e., letters, emails, faxes, and other types of input) are included in this analysis.

In the content analysis process used for this project, each response is given a unique identifying number, which allows analysts to link specific comments to original letters. Respondents' names and addresses are then entered into a project-specific database program, enabling creation of a complete mailing list of all respondents. The database is also used to track pertinent demographic information, such as responses from special interest groups or federal, state, tribal, county, and local governments.

All input is considered and reviewed by two analysts. Each response is first read by one analyst and sorted into comments addressing various concerns and themes. Comments are then entered verbatim into the database. A second analyst reviews a printed report of the sorted comments to ensure accuracy and consistency while preparing the summary analysis. These reports allow analysts to identify a wide range of public concerns and analyze the relationships between them. The final product includes a list of public concerns addressing the proposal, and supporting sample quotations.

This process and the resulting summary are not intended to replace comments in their original form. Rather, they provide a map to the letters and other input on file at the Bureau of Land Management offices in Riverside, CA (NECO) and Barstow, CA (NEMO). Both the planning team and the public are encouraged to review the actual letters firsthand.

It is important for the public and project team members to understand that this process makes no attempt to treat comments as votes. In no way does content analysis attempt to sway decision makers toward the will of any majority. Content analysis ensures that every comment is considered at some point in the decision process.



## Appendix B – List of Preparers

### Content Analysis Team – Missoula Group

#### Project Coordination

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# Appendix C – Coding Structure

## BLM NEMO/NECO Demographic Information

### Organization Types (OT)

The Organization Type code identifies a specific type of organization, association, government agency, elected official, or individual. The following are standard organization types:

#### GOVERNMENT AGENCIES

- C County Government Agency/Elected Official/Association
- E Government Employees Organizations/Unions
- F Federal Agency/Elected Official
- N International Government/International Gov't Association
- Q Tribal Government/Elected Official/Tribal Member/Association
- S State Government Agency/Elected Officials/Association
- T Town/City Government Agency/Elected Officials/Association
- X Conservation District

#### BUSINESS AND INDUSTRY

- A Agriculture Industry or Associations (Farm Bureaus, Animal Feeding)
- B Business (my/our; Chamber of Commerce)
- G Range/Grazing Orgs and permittees
- L Timber and Wood Products Industry or Associations

- M Mining Industry/Assn (locatable)
- O Oil, Natural Gas, Coal, & Pipeline Industry/Assn (leasable)
- U Utility Group or Org (water, electrical, gas)

#### RECREATIONAL ORGANIZATIONS

- R Recreational (Motorized/Non-motorized, non-specific)

#### PRESERVATION, CONSERVATION AND MULTIPLE USE ORGANIZATIONS

- P Preservation/Conservation
- Z Multiple Use/Wise Use

#### OTHER TYPES

- D Placed Based Groups (represents a region-i.e., QLG)
- I Unaffiliated Individual or unidentifiable respondent
- J Civic Groups (Kiwanis, Elks, Community Councils)
- K Special Use Permittees (Outfitters, Concessions, Ski Areas)
- Y Other (Unidentified Org Type)



## Number of Signatures (S)

The number of signatures is the total count of names associated with a particular Mail ID number. The procedure for determining the number of signatures for Mail ID number is consistent across all response types. In other words, letters, emails, and other types will be treated the same for determining the number of signatures.

- Each individual name associated with one Mail ID is counted as one signature.
- When a Mail ID has no complete name associated with it, such as an anonymous letter or an email address, it is counted as one signature.
- Mr. and Mrs. are counted as two signatures.

## Response Type (RT)

The Response Type identifies the specific format of correspondence. The following is a standard list of Response Type codes and definitions:

- 1) Letter
- 2) Form
- 3) Resolution
- 4) Action Alert
- 5) Transcript (dictated Audio, Video, Telephone response)

## Delivery Types and Descriptions (DT)

The Delivery Type identifies the method of delivery for the correspondence. The following is a standard list of Delivery Type codes and definitions:

- E) Email
- F) Fax
- H) Hand-delivered/oral testimony (personally delivered)
- M) Mail or commercial carrier (includes video, audio, letter format)
- T) Telephone
- U) Unknown

## Immediate Attention (IA)

Immediate Attention codes are applied only to those documents requiring an immediate response from the client. The Immediate Attention codes are listed in order of priority. If more than one code applies to a single document, the code with the highest priority is attached. For example, if a State Congressman threaten bodily harm to a Forest Service representative, the letter would receive a "1" instead of a "6."

- 1) **Threat of harm** - Threats of physical harm.
- 2) **Notice of appeal or litigation** - Notices of respondents' intent to appeal an action or bring legal suit to bear on the agency.
- 3) **Freedom of Information Act (FOIA)** - Official requests for information and documentation under the FOIA.

4) **Provides proposals for new alternatives** - Suggestions for alternatives to the proposed action. These do not include critiques of alternatives or partial changes of existing alternatives.

5) **Requires detailed review** - Well-written analyses of the issues. They are informative and help frame questions.

6) **Government entities** - Responses from elected officials in their official capacity from federal, tribal, state, county, and municipal governments. Official correspondence from agencies of these various governments is marked in this category.

## **Information Request (RI)**

Information Request codes are applied only to those documents with specific requests for information pertaining to the proposal. The client determines the level of specificity for identifying information requests.

- A Mailing list only/or nothing to code
- B Request to be removed from the Mailing List
- C Request for a copy of the Federal Register Notice
- D Other requests for specific information
- E Request for confirmation of receipt of information
- I Request for hard copy of summary of the FEIS
- J Request for full hard copy of the FEIS
- K Request for CD version of FEIS



## **NEMO/NECO Coding Structure**

### **Purpose and Need of the Proposed Action**

#### **PLANN**

##### **10000 General Planning (Process & Policy)**

- 10100 Scale of proposed direction
- 10200 Scoping and range of issues
- 10300 Project Timeframe
- 10400 Clarity of planning documents
  - 10410 Technical & Editorial comments about DEIS
  - 10420 General comments on NEMO/NECO documents (consistency, why have multiple documents)
- 10500 Use of science in decision making
- 10600 Interagency collaboration (federal, state, tribal, county, city)
  - 10610 Planning
  - 10620 Implementation
  - 10630 Monitoring & enforcement
- 10700 Agency organization & staffing
- 10800 Cost of implementation

#### **PURPO**

##### **11000 Purpose and Need (General references and need for further analysis)**

##### **12000 Relationship to other laws, regulations, policies**

- 10900 FLPMA
- 101000NEPA
- 101100California Desert Protection Act

##### **13000 Other Plans**

101200California Desert Conservation Area Plan

**ALTER**

**14000 General comments & comparison of alternatives**

**15000 Adequacy of alternatives (delineate between NEMO & NECO)**

101300NEMO

101310 Alternative 1 (No Action)

101320 Alternative 2 (Preferred)

101330 Alternative 3

101340 Alternative 4

101350 Alternative 5

101400NECO

101410 Alternative 1 (No Action)

101420 Alternative 2 (Preferred/Large DWMA (Desert Wildlife Management Area) Alternative)

101430 Alternative 3 (Small DWMA A Alternative)

101440 Alternative 4 (Small DWMA B Alternative)

**AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES**

**AFFEC**

**16000 Affected environment & environmental consequences (identification of multiple affected environments)**

**17000 Desert-wide direction & management actions (references to mgmt actions without affecting a specific resource)**

**18000 Land Designation & classification (general comments about the process of land designation and classification)**

101500Suggestions for additional designation or classification (including suggestions for classifications previously not considered)

101510 Wild Scenic Rivers Act recommendations



- 101520 Multiple-Use Classification (MUC) designation changes
- 101530 Desert Wildlife Mgmt Areas/Wildlife Habitat Mgmt Areas
- 101531 Recommendations (includes comments about size, location, adequacy)
- 101540 Areas of Environmental Concern (ACEC)
- 101550 Landfill classification

**19000 Land Exchange (simplifying property lines)**

- 101600 Private to Federal
- 101700 Federal to Federal

**20000 Analysis of existing conditions & need for further analysis**

- 21000 Effects on global environment
- 22000 Cumulative effects
- 23000 Biological diversity and Natural Processes as guiding policy (ecosystem as a whole)
- 24000 Multiple-Use as guiding policy
- 25000 General (Air, soil, water resources)

**PHYSICAL ELEMENTS**

**SOILS**

- 26000 Cumulative effects
- 27000 Analysis of existing conditions & need for further analysis
- 28000 Management impacts on this resource
- 101800 Erosion

**WATER**

- 29000 Cumulative effects
- 30000 Analysis of existing conditions & need for further analysis

**31000 Management impacts on this resource**

- 101900 Watershed health & sustainability
- 102000 Ground water
- 102100 Surface water
- 102200 Water rights
- 102300 Artificial water sources

**AIRQU**

- 32000 Cumulative effects
- 33000 Analysis of existing conditions & need for further analysis
- 34000 Management impacts on this resource
  - 102400 Air quality

**BIOLOGICAL ELEMENTS**

**VEGET**

- 35000 General comments
- 36000 Cumulative effects
- 37000 Analysis of existing conditions & need for further analysis
- 38000 Management direction (suggestions for desired future management, for endangered species see ENDAN)
  - 102500 Soil crusts (green algae, lichens, mosses)
  - 102600 Riparian/Wetland
  - 102700 Non-native invasive plants
  - 102800 Grasslands/Shrublands
  - 102900 Rangeland Health (grazing enhances/disturbs resource)

**ENDAN**



### **39000 General threatened, endangered & sensitive species**

### **40000 BLM definitions of threatened, endangered & sensitive species**

### **41000 Threatened, endangered & sensitive PLANT species**

103000Cumulative effects

103100Analysis of existing conditions & need for further analysis

103200Management direction (suggestions for desired future management)

103300Federal & California ESA

103310 Listed in DEIS (Amargosa niterwort, Ash Meadows gumplant, Inyo hulsea, Jaeger's caulostramina)

103320 Suggestions for additional species

### **42000 Threatened, endangered & sensitive ANIMAL species**

103400Cumulative effects

103500Analysis of existing conditions & need for further analysis

103600Management direction (suggestions for desired future management)

103700Federal & California ESA

103710 Listed in DEIS (Amargosa vole, North Mojave bat, Inyo Mountains Slender Salamander, Inyo California Towhee, Least Bell's Vireo, Southwestern Willow flycatcher, Swainson's hawks, Western Yellow-Billed cuckoo)

103711 Desert tortoise (include comments regarding the Desert Tortoise Recovery Plan)

42412 Interspecies impacts (burro, raven, cattle)

42413 Grazing impacts

42414 Habitat loss impacts

42415 Water loss impacts

42416 Road/Vehicle impacts

42417 Fencing impacts

42418 Peninsula Big Horn Sheep

103720 Suggestions for additional species

### **WILDL**

### **43000 General wildlife habitat and associated animal species**

#### **44000 Terrestrial**

- 103800 Analysis of existing conditions & need for further analysis
- 103900 Management direction (suggestions for desired future management, for endangered species see ENDAN)
  - 103910 Species viability
  - 103911 Horse and burro (Wild Free Roaming Horse & Burro Act and Herd Mgmt Areas comments)
  - 103920 Habitat requirements/restoration
  - 103930 Connectivity/fragmentation

#### **45000 Aquatic**

- 104000 Analysis of existing conditions & need for further analysis
- 104100 Management direction (suggestions for desired future management)
  - 104110 Species viability
  - 104120 Habitat requirements/restoration
  - 104130 Connectivity/fragmentation

#### **46000 Avian**

- 104200 Analysis of existing conditions & need for further analysis
- 104300 Management direction (suggestions for desired future management)
  - 104310 Species viability
  - 104320 Habitat requirements/restoration
  - 104330 Connectivity/fragmentation

### **HUMAN ENVIRONMENT ELEMENTS (Travel, Recreation, Social, Cultural, and Tribal)**

#### **HUMAN**

- 47000 General human use and occupation of public lands (includes military use)
- 48000 Analysis of existing conditions & need for further analysis
- 49000 Management direction (suggestions for desired future management)



104400 Authorized/casual use of roads (specific comments about the ways in which BLM categorizes roads, includes mining access comments)  
104410 Road closure criteria

**50000 Analysis of existing conditions & need for further analysis**

**51000 Management direction (suggestions for desired future management)**

**52000 Access for recreation (includes general road system comments)**

**53000 Activities (allow/ban/general comments)**

104500 Route/travel designation comments (as applies to recreation)

104600 Motorized use

104610 OHV use

104620 Organized competitive vehicle events

104621 Specific race courses

104700 Non-motorized use

104710 Hiking

104720 Hunting

104730 Horseback Riding

104740 Camping

104750 Rockhounding (recreational mining)

**54000 Americans with Disabilities Act references**

**NRCOM**

**55000 Analysis of existing conditions & need for further analysis**

**56000 Management direction (suggestions for desired future management)**

104800 Grazing permits (impacts to permits & operations/ Taylor Grazing Act)

104810 Grazing as a subsidy program

104900 Mining permits (impacts to permits & operations/ Mining & Minerals Policy Act of 1970, 1872 Mining Law, National Materials & Minerals policy)

**SOCEC**

**57000 General socioeconomic comments**

- 105000 Analysis of existing conditions & need for further analysis
- 105100 Management direction (suggestions for desired future management)
  - 105110 Social
  - 105111 Social value of resources
  - 105112 Quality of life/future generations
  - 105120 Economic
    - 105121 Maintaining community stability (employment and viability)
    - 105122 Possessory Interest Tax
    - 105123 Costs/Revenues from desert commodities
    - 105124 Costs/Revenues from tourism/recreation
    - 105125 Economic impacts & mitigation techniques (includes comments on the cost of building fences)

**CULTU**

- 58000 Analysis of existing conditions & need for further analysis
- 59000 Management direction (suggestions for desired future management)
- 60000 Tribal resources/legal rights (prehistoric sites/artifacts, contemporary tribal use sites)
- 61000 Historic resources/legal rights (National Historic Preservation Act
  - 105200 Historic trails



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